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**Compilation of Georgia Laws and Regulations  
Pertaining to Upland Game, Fresh Water  
Sport and Commercial Fishing and  
Commercial Salt Water Fishing**



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**APRIL 1, 1956**

**STATE GAME AND FISH COMMISSION**

**412 State Capitol**

**Atlanta, Georgia**

**FULTON LOVELL**

**Director**

**Compiled and Edited by State Law Department**

**EUGENE COOK**

**Attorney General**



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The laws and regulations as contained in this book are the present laws and regulations of this State as compiled by the State Law Department in collaboration with the State Game and Fish Commission.

It is to be noted that the State Game and Fish Commission has the power of extending, shortening or abolishing seasons, changing bag limitations, and prescribing manner and means of pursuing, taking or killing any species of game or fish.

Prior to hunting or fishing seasons it would be advisable to check on any new regulations which may have been adopted.

Respectfully,

FULTON LOVELL, Director,  
Game & Fish Commission

EUGENE COOK  
The Attorney General

E. FREEMAN LEVERETT  
Assistant Attorney General  
Editor and Compiler



## EDITORIAL NOTE

Since codification of the laws of Georgia in 1933 there have been approximately fifty-two amendments to the Game and Fish laws, as codified in Title 45 of the Code. Many of these amendments completely ignored all previous laws relating to the particular subject in question, with the result that up to the date of passage of the Comprehensive Act of 1955 (S.B. 60; Ga. Laws 1955, p. 483), the provisions of the Game and Fish laws were in utter confusion, hopeless conflict, and incomprehensible duplication.

It is believed that the Comprehensive Act has remedied this difficulty. Section 1 of the Act states that it is "An exhaustive revision, supercession, and consolidation of laws relating to the State Game and Fish Commission and to game and fish." Section 118 enumerates, by specific citation, all previous laws and amendments which have been superseded, and paragraph 55 thereof declares that "the enumeration of certain acts as being repealed shall not be construed as excluding any not so expressly included, except as specifically provided hereafter . . ." Section 119 enumerates the acts which are not superceded. These acts are (1) the act governing boat traffic on fresh waters (Ga. Laws 1952, p. 281), (2) the act declaring it a misdemeanor to operate a boat on any public waters while intoxicated, or in a dangerous manner (Ga. Laws 1953, Jan.-Feb. Sess., p. 55) and (3) the act exempting commercial fishermen licensed by the Game and Fish Commission from the food tax imposed on wholesale fish dealers (Ga. Laws 1953, Jan.-Feb. Sess., p. 521).

At the 1956 Session of the General Assembly, four amendments to the Comprehensive Act of 1955 were enacted. These acts are (1) SB 20, (Ga. Laws 1956, p. 48), regulating the raising and sale of pen-raised quail; (2) HB 112 (Ga. Laws 1956, p. 349) authorizing payment of subsistence allowances to wildlife rangers; (3) HB 113 (Ga. Laws 1956, p. 590) a rather lengthy bill which

amended the 1955 act in numerous respects; (4) HB #286 (Ga. Laws 1956, p. 231) providing for the licensing of minnow dealers and live fish dealers (restocking).

**E. FREEMAN LEVERETT**

Assistant Attorney General

Editor and Compiler

April 1, 1956

Atlanta, Georgia

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# CHAPTER I

## GAME AND FISH COMMISSION

### A—CONSTITUTIONAL PROVISIONS:

**1. CREATION OF COMMISSION—APPOINTMENT.** Game and Fish Commission. There is hereby created a State Game and Fish Commission. Said Commission shall consist of one member from each Congressional District in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden. The first members of the Commission shall consist of those in office at the time this Constitution is adopted with terms provided by law. Thereafter, all succeeding appointments shall be made by the Governor and confirmed by the Senate for a term of seven years from the expiration of the previous term. All members of the Commission shall hold office until their successors are appointed and qualified. Vacancies in office shall be filled by appointment of the Governor and submitted to the Senate for confirmation at the next session of the General Assembly after the making of the appointment.

The Commission shall have such powers, authority, duties, and shall receive such compensation and expenses as may be delegated or provided for by the General Assembly. (Constitution of 1945, Art. 5, Sec. 4, Par. 1; Sec. 2-2201 Annotated Code.)

### **2. INFORMATION FROM OFFICERS AND EMPLOYEES; SUSPENSION OF OFFICERS.**

The Governor may require information in writing from Constitutional officers, department heads, and all State employees, on any subject relating to the duties of their respective offices of employment. The General Assembly shall have authority to provide by law for the suspension of any Constitutional officer or department head from the discharge of the duties of his office, and also for the appointment of a suitable person to discharge the duties of the same. (Constitution of 1945, Art. 5, Sec. 1, Par. 17; Sec. 2-3017 Annotated Code.)

## **B.—STATUTORY PROVISIONS:**

### **1. Definitions—**

(a) The word “Commission” shall mean the State Game and Fish Commission.

(b) “Wildlife” shall mean any vertebrate or invertebrate animal life indigenous to the State of Georgia or any such species introduced or specified by the State Game and Fish Commission.

(c) “Hunt” or “hunting” shall mean pursuing, shooting, killing and capturing wildlife and all lesser acts such as disturbing, harrying, or worrying or placing, setting, drawing, or using any device used to take wildlife, whether they result in taking or not; and shall include every act of assistance to any person in taking or attempting to take wildlife.

(d) “Fishing” shall include catching, capturing, or killing fish and all sea-food; and all lesser acts such as attempting to catch, capture, or kill by any device or method; and shall include every act of direct assistance to any person in catching or attempting to catch fish or sea-food.

(e) “Private Pond” is a body of water being wholly on or within the lands of one title, where the fish cannot go up stream or down stream or to the lands of another. (Ga. Laws 1955, pp. 483, 484; Code Ann., §45-102.)

### **2. COMMISSION; CREATION; MEMBERS.**

There is hereby created and established a Commission to be known as the State Game and Fish Commission composed of one member from each congressional district in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden. The member from the First Congressional District and the member of the Eighth Congressional District shall not be from any of the six counties named herein. The members of such Commission shall be appointed by the Governor and confirmed by the Senate,



and shall hold office until their successors are appointed and qualified. The Governor shall not be a member of such Commission. (Ga. Laws 1955, pp. 483, 484; Code Ann., §45-103.)

**3. OATH; BOND.** Persons appointed to the Commission shall take oath of office and give bond in the sum of \$1,000 in the usual form required of State Officers. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-104.)

**4. TERMS; PRESENT MEMBERS.** The members of the State Game and Fish Commission appointed hereunder shall hold office for terms of seven years from the expiration of the terms of their predecessors. All members of the State Game and Fish Commission appointed under the provisions of an Act approved February 8, 1943 (Ga. Laws 1943, p. 128), as amended, particularly as amended by an Act approved March 9, 1945 (Ga. Laws 1945, p. 404), shall remain in office until the expiration of their terms under the above said Act, or until removed according to law and they shall have such rights, powers, duties and receive such remuneration as herein prescribed by this Act. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-105.)

**5. VACANCIES.** Any vacancy in said Commission shall be filled by a qualified person appointed by the Governor for the unexpired term, subject to confirmation by the Senate, and any appointment, whether for a full term or to fill a vacancy, made when the Senate is not in session, shall be effective until the same is acted upon by the Senate. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-106.)

**6. CHAIRMAN; PER DIEM; MEETINGS.** Immediately after appointment, taking the oath of office and qualification, the members of the Commission shall meet at any convenient and designated place within the State of Georgia and elect a chairman, and thereafter the Commission shall elect a chairman annually. The members of the Commission, including the chair-

man, shall each receive \$20.00 for each day of actual attendance of meetings of the Commission at such designated places, and actual cost of transportation to and from the place of meeting and their respective homes by the nearest practicable route not to exceed .06 per mile. The members of the Commission, including the chairman shall receive while on committee assignment \$20.00 for each day of actual service and actual cost of transportation to and from the place of service and their respective homes by the nearest practical route, not to exceed six cents per mile, provided, however, that the total per diem compensation paid in any year to any member of the commission shall not exceed \$900.00. Such per diem and travel expense shall be paid from funds of the Commission. The Commission shall meet at such times and at such designated places in this State as it may determine and it may convene in called session upon call by the chairman or by a majority of the members of the Commission. (Ga Laws 1955, pp. 483, 485; Code Ann., §45-107.)

**7. FUNDS; APPROPRIATIONS.** All funds resulting from the operation of the State Game and Fish Commission and from the administration of the laws and regulations pertaining to wildlife and to the State Game and Fish Commission, excluding fines, but including all license fees and other income, shall be paid into the General Fund of the State Treasury, and each year, at least such amount shall be appropriated to the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 486; Code Ann., §45-108.)

NOTE: Section 6 of HB 219, Act. No. 62, enacted at the 1955 Session (Ga. Laws 1955, p. 158) and approved by the Governor prior to passage of S.B. 60, was expressly superseded by Section 7 above.

**8. APPROPRIATIONS TRANSFERRED.** All appropriations heretofore made to the State Game and Fish Commission for carrying out the provisions of an Act approved February 8, 1943

(Ga. Laws 1943, p. 128), as amended, particularly as amended by an Act approved March 9, 1945 (Ga. Laws 1945, p. 404), and now unused by said Commission are hereby transferred to the State Game and Fish Commission created under this Act. (Ga. Laws 1955, pp. 483, 486; Code Ann., §45-109.)

### **9. ADMINISTRATION; RULES; RECORDS.**

The Commission shall have power to adopt all rules, regulations and methods of administration necessary for the efficient operation of the Commission as herein created and established, but the Commission shall do the following:

(a) Keep a public record, correctly disclosing all moneys received and expended by them and all such other information as may be necessary or proper in the conduct of the affairs and business of the Commission. The books and accounts of the Commission shall be audited in the same way as other books and accounts of the other departments of the State are audited.

(b) Keep records of all their meetings and doings in a minute book provided for such purpose, keeping said records in the office at the State Capitol, and making them available for public inspection like the other records of this State.

(c) Have and keep a seal of office which shall be used to authenticate all papers and documents issued and executed by them. (Ga. Laws 1955, pp. 483, 487; Code Ann., §45-110.)

**10. DIRECTOR; SALARY; BOND.** The State Game and Fish Commission at its first meeting shall appoint a Director, who shall be the executive secretary and administrative officer of the Commission, and have such other powers and duties as may be prescribed by the Commission and by this Act, for all of which duties combined he shall receive a salary to be fixed by the Commission from time to time which in no event shall exceed \$8,600.00 per annum, including any contingent expense allowance, payable monthly,

and traveling expenses necessary in the performance of his duties. The Director shall devote his full time to the duties of his office and shall have such powers and shall perform such duties as may be assigned to and required of him by the Commission. He shall take oath of office and give bond in the sum of \$10,000.000 in the usual form required of State officials. Such Director shall have offices at the State Capitol, which shall also be the office of the Commission. The Director shall hold office at the pleasure of the Commission. No member of the Commission during his tenure of office or within two years thereafter shall be eligible for appointment as Director or for any employment under the Commission or the Director. (Ga. Laws 1955, pp. 483, 487; Code Ann., §45-111.)

#### **11. SUPERVISOR OF COASTAL FISHERIES.**

The Commission shall appoint a supervisor of Coastal Fisheries, who shall receive a salary to be fixed by the Commission from time to time, and who shall serve at the pleasure of the Commission. He shall devote his full time to his official duties, and shall take oath and give bond in the sum of \$10,000.00 in the usual form required of State officials. The Supervisor of Coastal Fisheries shall perform such services in connection with the development and protection of fish, shell fish and crustaceans, and such other duties as may be assigned to him by the Commission and Director. (Ga. Laws 1955, pp. 483, 488, Code Ann., §45-112.)

**12. WILDLIFE RANGERS; OTHER EMPLOYEES.** The Commission shall appoint and fix the salaries of such assistants and employees, including a uniformed division to be known as Wildlife Rangers, of such number as may be necessary to carry out the duties assigned to them by the Commission and Director, within funds available to and appropriated therefor, all of whom shall serve at the pleasure of the Commission. The Commission shall not appoint any persons or assistants, or employees including Wildlife Rangers, related by blood in a degree



closer than third cousins to the members of the Commission or to the Director.

(a) The State Game and Fish Commission is hereby authorized to purchase, as other State purchases are made, all necessary uniforms to equip the Wildlife Rangers as a uniform division and to pay for said uniforms from any funds made available to the State Game and Fish Commission for the operation of the Department.

(b) Each wildlife ranger shall receive, in addition to his salary, a sum to be fixed by the Commission in an amount not to exceed \$5.00 per diem, as a subsistence allowance, for each day actually spent in performance of his duties. (Ga. Laws 1956, p. 349; Code Ann. Supp., §45-113.)

**13. DUTIES AND POWERS OF COMMISSION; GENERALLY.** The Commission is hereby directed and authorized to perform the following duties and functions:

1. Acquire by purchase, condemnation, lease, agreement, gift or devise, lands or waters suitable for the purposes herein enumerated, and develop, operate and maintain the same for the following purposes:

(a) For fish hatcheries, nursery ponds, or game farms, sanctuaries, reservations, and refuges:

(b) Lands or waters suitable for wildlife restoration, propagation, protection or management:

(c) For public hunting, fishing or trapping areas, to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the rules and regulations of the Commission.

2. To fix bag and creel limits and to fix open and closed seasons for all wildlife on a statewide, regional, or local basis, as they may find to be appropriate, except as otherwise provided by law.

3. To regulate the manner, method, ways, means and devices of killing, taking, capturing,

transporting, storing, selling, using, and consuming wildlife, except as otherwise provided by law.

4. To capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, and to exercise control measures of undesirable species.

5. To designate by the promulgation of rules and regulations the wildlife that shall be called game animals, furbearing animals, game birds, game fowl and game fish.

6. To promulgate rules and regulations for purposes herein set out.

7. To prohibit anyone from entering or being on any State Game refuge while under the influence of drugs, intoxicating liquors, beers, wines, or other beverages.

8. To designate, if any, what non-game birds, their nest and eggs can be taken, captured, killed or possessed at any time.

9. To enter into cooperative agreements with educational institutions and State and Federal and other agencies to promote wildlife management and conservation. (Ga. Laws 1955, pp. 483, 489; Code Ann., §45-114.)

## **14. RULES AND REGULATIONS**

### **a. Posting—Promulgation.**

All rules and regulations promulgated by the State Game and Fish Commission shall have the force and effect of law upon complying with the following procedures:

(1) The Commission shall post at the courthouse door of the county or counties that will be affected, a complete copy of such rules or regulation certified by the chairman of the Commission, and shall file, an additional certified copy thereof in the office of the ordinary

of the county or counties affected, at least 30 days before the effective date of such rules or regulation.

(2) The Commission may issue by proclamation, rules and regulations to protect wildlife in areas where there are forest fires, floods, or other emergency situations without the necessity of posting such regulations in the county or counties affected or filing copy of same in the office of the ordinary. The rules and regulations shall have the force and effect of law upon proclamation by the Commission, and such proclamation shall show the date and hour of proclamation.

(3) When rules and regulations are passed under the authority of the State Game and Fish Commission, they shall be admitted in evidence in any court in this State upon certificate under seal of the Clerk of the Court of Ordinary in the County where said court is sitting, that such is a copy of the rules and regulations of the State Game and Fish Commission, certified by the chairman of the Commission, on file in the Court of Ordinary in said county or as issued by proclamation by the Commission. Said certificate shall show the date of filing of said rules and regulations in the Court of Ordinary and the date of posting said rules and regulations at the courthouse door of said county or the date and hour of proclamation, and said certificate shall be proof of such facts. Provided, however, a certificate from the Director or Chairman of the Commission shall be sufficient as evidence of emergency rules and regulations herein provided for. (Ga. Laws 1955, pp. 483, 490; Code Ann., §45-115.)

b. Penalty for Violation. Any person or corporation who shall violate any of the rules or regulations promulgated by the Commission shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-116.)

**15. DISPOSITION OF FINES.** No Wildlife Ranger or other employee of the Game and Fish Department shall receive any portion of fines or forfeitures imposed by the courts for violations of the wildlife laws. The proceeds from all fines and forfeitures arising from the violation of the wildlife laws, rules and regulations shall be used, except as otherwise provided herein, first, to pay the proper officers of the trial court as prescribed by law. The money remaining after said officers have been compensated shall be remitted promptly by the clerk of the court in which the case is disposed of to the County Treasurer of the county in which said fine is assessed, who shall deposit said funds in the General Fund of the county, but to be allocated to the said county school board for school purposes. The clerk of the court in which each case is disposed, shall promptly make a written report of the Director of Game and Fish, showing the disposition of each case; and for making each report he shall be entitled to an additional fee of \$1.00 in each case, to be added to the cost allowed by law against the defendant, to be retained by said clerk as his special compensation for making such report. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-117.)

**16. WILDLIFE RANGERS; POWERS.** The Wildlife Rangers of this State shall have the power:

(a) To enforce all laws, rules and regulations pertaining to wildlife and as otherwise provided.

(b) To execute all warrants and search warrants for the violation of the laws, rules and regulations pertaining to wildlife.

(c) To serve subpoenas issued for the examination, investigation, and trial of all offenses against the laws, rules and regulations pertaining to wildlife.

(d) To arrest without warrant any person found violating any of the laws, rules and regulations pertaining to wildlife, or to hunting, fishing, or boating.



(e) To seize and take possession of all wildlife or parts thereof, taken, caught, killed, captured or in possession, or under control, or which have been shipped or are about to be shipped at any time in any matter or for any purpose contrary to the laws, rules and regulations pertaining to wildlife. Seizures made under this section shall be donated to some charitable institution in this State, provided that such wildlife so seized shall be liberated when alive and substantially uninjured.

(f) To go upon any property outside of buildings, posted or otherwise, in the performance of their duties.

(g) To carry firearms while performing duties pertaining to wildlife. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-118.)

**17. COMMISSION TO PROVIDE FREE PASSAGEWAY FOR FISH.** The State Game and Fish Commission is authorized to provide for the free passage of fish in the fresh water streams of Georgia for the purpose of spawning and propagating, and to erect or cause to be erected fish-ladders or other passageways whereby fish may pass over any dam or other obstruction placed in the fresh-water streams of Georgia, by any firm, person or corporation.

(a) It shall be the duty of the State Game and Fish Commission to give written notice to any person, firm, or corporation, owning, leasing or constructing any dam or other obstruction whereby the free passage of fish is restricted in the fresh-water streams of this State to provide a suitable fish-ladder or passage-way over any dam or other obstruction, and that such person, firm or corporation shall within 60 days after the receipt of such notice provide at its own expense such fish-ladder or other suitable passage-way for the purpose of allowing fish in such fresh water to freely pass over such dam or other obstruction.

(b) Should any person, firm or corporation owning, leasing or constructing any dam or other obstruction in the fresh-water streams of this State, fail and refuse to provide such fish-ladder or other passageway after receiving the notice, as herein required, the State Game and Fish Commission is hereby authorized to build or erect such fish-ladder or other passageway over such dam or obstruction, and the cost of the same shall be assessed by the State Game and Fish Commission against the person, firm or corporation, owning, leasing or constructing such dam or obstruction.

(c) The State Game and Fish Commission is hereby authorized to issue an execution as at common law against such person, firm or corporation for the actual expense incurred in construction of such fish-ladder or other passageway, which shall be collected by levy and sale by the sheriffs or other lawful officers of this State from such person, firm or corporation, owning, leasing or constructing such dam or obstruction, as fi. fas. or executions are called at law. (Ga. Laws 1955, pp. 483, 492, as amended, Ga. Laws 1956, pp. 590, 594; Code Ann., §45-119.)

**18. PURCHASE OF AIRCRAFT, Etc.** To facilitate the inspection and patrolling of the wildlife resources of this State, and to assist in the better enforcement of the laws, rules and regulations relating to wildlife, the Game and Fish Commission is hereby authorized and empowered to purchase, through the State Purchasing Department, as other purchases are made, aircraft and other necessary equipment to be used for such patrolling and inspection. (Ga. Laws 1955, pp. 483, 493, as amended, Ga. Laws 1956, pp. 590, 602; Code Ann., §45-120.)

## **C—PROVISION FOR INTERSTATE AGREEMENTS:**

**1. RECIPROCAL LICENSES.** The State Game and Fish Commission is hereby authorized and empowered to make and enter into agreements, from time to time, with the proper authorities

f the States of Alabama, Florida, South Carolina, North Carolina and Tennessee, whereby a citizen of the State of Georgia who owns farm lands in the said adjoining states may purchase a resident hunting license in the State in which his land is situated which will permit said Georgia citizen to hunt on his own land in the adjoining State without purchasing an out-of-state hunting license. The State Game and Fish Commission is hereby authorized and empowered to reciprocate this courtesy and issue a resident hunting license in Georgia to citizens of said adjoining states who own farm lands in Georgia permitting such citizen to hunt on their own land in Georgia without purchasing an out-of-state hunting license. (Ga. Laws 1955, pp. 483, 494; Code Ann., §§ 45-121.)

**2. CONTIGUOUS WATERS.** The State Game and Fish Commission is hereby authorized and empowered to make and enter into agreements, from time to time, with the proper authorities of the States of Alabama, Florida, North Carolina, South Carolina, and Tennessee, whereby a valid fishing license issued by the State of Georgia will be accepted and honored, as and in lieu of a fishing license for the respective states so agreeing, for fishing on the banks and in the waters of lakes, rivers and streams lying between the State of Georgia and such adjoining state or partly within the boundaries of both the State of Georgia and the adjoining state, and valid licenses issued by the respective states so agreeing shall be accepted and honored, as and in lieu of a Georgia fishing license, for fishing upon said lakes, rivers and streams.

(a) The purpose of this section is to authorize the State Game and Fish Commission to enter into such agreements with all States bordering on the State of Georgia, but it is not intended that the benefits of such agreements should extend to licenses of all bordering states on all lakes, rivers and streams lying upon the border of Georgia, but are to apply separately to those

lakes, rivers and streams lying between the State of Georgia and each respective state's agreeing. (Ga. Laws 1955, pp. 483, 494; Code Ann. §45-122.)

**3. ATLANTIC STATES MARINE FISHERIES COMPACT.** Atlantic States Marine Fisheries Compact. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of Georgia with any one or more of the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Florida, and with such other states as may enter into the compact, legally joining therein the form substantially as follows:

### **ATLANTIC STATES MARINE FISHERIES COMPACT**

The contracting states solemnly agree:

#### **Article I**

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

#### **Article II**

This agreement shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of



the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

### **Article III**

Each State joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the Commission or Committee on Interstate Cooperation of such State, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be designated by the Governor thereof; provided, that if it is constitutionally impossible to appoint legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This Commission shall be a body corporate with the powers and duties set forth herein.

### **Article IV**

The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, and anadromous, of the Atlantic seaboard.

The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the Commission shall draft and after consultation with the Advisory Committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The Commission shall more than one month prior to any regular meeting of the legislature in any signatory state present to the Governor of the State its recommendations relating to enactments to be made by the legislature of this compact.

The Commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The Commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish eggs or joint stocking by some or all of the states party hereto and when two or more of the states shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

## Article V

The Commission shall elect from its number a Chairman and a Vice-Chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct

of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

### Article VI

No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The Commission shall define what shall be an interest.

### Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the Commission.

An Advisory Committee to be representative of the Commercial fisherman and the salt water anglers and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

### Article VIII

When any state other than those named specifically in Article II of this compact becomes a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II, the participation of such state in the action of the Commission shall be limited to such species of anadromous fish.

## Article IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

## Article X

Continued absence of representation or of any representative on the Commission from any state party hereto shall be brought to the attention of the Governor thereof.

## Article XI

The states party hereto agree to make annual appropriations to the support of the Commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than two hundred dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by a majority of the Commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

### SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS

Maine .....	\$ 700
New Hampshire .....	200
Massachusetts .....	2,300
Rhode Island .....	300
Connecticut .....	400



New York .....	1,300
New Jersey .....	800
Delaware .....	200
Maryland .....	700
Virginia .....	1,300
North Carolina .....	600
South Carolina .....	200
Georgia .....	200
Florida .....	1,500

## Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other states party hereto. (Ga. Laws 1955, pp. 483, 495; Code Ann., §45-123.)

(a) In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from the State of Georgia. The first commissioner from the State of Georgia shall be the Director of the Department of Game and Fish of the State of Georgia ex-officio, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said office of Director of the Department of Game and Fish and his successor as commissioner shall be his successor as Director of the Department of Game and Fish. The second commissioner from the State of Georgia shall be a legislator and member of the Commission on interstate cooperation of the State of Georgia ex-officio, designated by said Commission on Interstate Cooperation, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as Commissioner on Interstate Cooperation and his successor as Commissioner shall be named in like manner. The Governor (by and with the advice and consent of the Senate) shall appoint a citizen as a



third Commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said Commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such Commissioner from any reason or cause shall be filled by appointment by the Governor (by and with the advice and consent of the Senate) for the unexpired term. The director of the Department of Game and Fish as ex-officio commissioner may delegate, from time to time, any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive Commissioner, provided the said compact shall have then gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II. Any Commissioner may be removed from office by the governor upon charges and after a hearing. (Ga. Laws 1955, pp. 483, 500; Code Ann., §45-124.)

(b) There is hereby granted to the Commission and the Commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Georgia are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of Georgia to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State of Georgia are hereby authorized and directed at convenient times and upon request of the said

Commission to furnish the said Commission with information and data possessed by them or any of them and to aid said Commission by loan of personnel or other means lying within their legal rights respectively. (Ga Laws 1955, pp. 483, 501; Code Ann., §45-125.)

(c) Any powers herein granted to the Commissioner shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of Georgia or by the laws of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Florida or by the Congress or the terms of said compact. (Ga. Laws 1955, pp. 483, 501; Code Ann., §45-126.)

(d) The Commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Georgia on or before the tenth day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceeding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Georgia which may be necessary to carry out the intent and purposes of the compact between the signatory states. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-127.)

The Comptroller of the State of Georgia is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such Comptroller may deem proper and to report the results of such examination to the Governor of such state. (Ga Laws 1955, pp. 483, 502; Code Ann., §45-128.)

(e) The sum of two hundred dollars (\$200.00) per annum, or so much thereof as may be nec-

essary, is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the expenses of the Commission created by the compact authorized by this Act. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-129.)

(f) If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. (Ga. Laws 1955, pp. 483, 502.)

## **D—FEDERAL ACTS ASSENTED TO BY GEORGIA.**

**1. FEDERAL LANDS IN GEORGIA.** The consent of the General Assembly is hereby given to the making by Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game and non-game birds, and fish on such lands in the northern part of Georgia as shall have been, or may hereafter be, purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled "An Act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" (36 United States Statutes at Large, page 961), and Acts of Congress, supplementary thereto and amendatory thereof, and in or on the waters thereof. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-130.)

**2. WILDLIFE RESTORATION PROJECTS.** The State of Georgia hereby assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the State in wildlife restoration projects, and for other purposes," approved September 2, 1937

(Public Number 415, 75th Congress, Title 16, Chapter 5 b United States Code, Annotated). The State Game and Fish Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the establishment and conduct of cooperative wildlife restoration projects as defined in the said Act of Congress, in compliance therewith and rules and regulations promulgated by the Federal agency authorized thereunder. The State Game and Fish Commission shall have authority to do all things necessary in cooperation with all agencies of the United States Government in connection with propagation, restoration and protection of wildlife in this State. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-131.)

**3. FISH RESTORATION PROJECTS.** The State of Georgia hereby assents to the provisions of the Act of Congress entitled an Act to provide that the United States shall aid the States in fish restoration and management projects, approved August 9, 1950, (Public Laws 681, 81st Congress), and the Fish and Game Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said Act of Congress, in compliance with said Act and rules and regulations promulgated by the Secretary of the Interior thereunder; and no funds accruing to the State of Georgia from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Division of Fish and Game and for the protection, propagation, preservation, and investigation of wildlife. (Ga. Laws 1955, pp. 483, 503; Code Ann., §45-132.)

**4. NATIONAL FORESTS; RESTOCKING; SEASONS.** The State Game and Fish Commission shall have the right and authority to enter into a cooperative agreement with the United States Government, or with the proper authorities thereof, for the protection and management of the wildlife resources of the National Forest lands within the State of Georgia and for the



restocking of the same with desirable species of wildlife.

(a) The Game and Fish Commission shall have authority to close all hunting and fishing within said lands so contracted for with the Federal Government for such period of time as may be, in the opinion of the Game and Fish Commission, necessary; shall have authority from time to time to prescribe the season for hunting or fishing therein, to prescribe the number of animals and game, fish and birds that shall be taken therefrom and the size thereof, and to prescribe the conditions under which the same may be taken. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-133.)



## CHAPTER II

### LICENSES

Note: Not all of the laws relating to licenses and permits are included in this Chapter. Some of these provisions were more properly left in context of the law of which they constitute a part. Such provisions are as follows:

1. Permits for transportation of wildlife, Chapter III, Section 1, 3 and 4, pp. 37, 38.
2. Permits authorizing possession of wildlife purchased outside the state, Chapter IV, Section 6, p. 41.
3. Permits for the storage of wildlife, Chapter IV, Section 20, p. 46.
4. Special permits authorizing trapping during emergencies, Chapter V, Section 3, p. 48.
5. Permits authorizing use of baskets for the taking of rough fish, Chapter VII, Section B (2), p. 58.
6. Fresh water commercial fishing licenses, Chapter VII, Section D (1), p. 59.
7. Leases of oyster beds, Chapter IX, Section B (1), p. 74.
8. Commercial Quail Breeders' Licenses, Chapter VI, *infra*, p. 51.
9. Minnow and live fish (for restocking) dealers' licenses, Chapter VIII, *infra*, p. 63.
10. Bond required of commercial fishermen for bait in salt waters, Chapter IX, §A(4), *infra*, p. 73.

### —GENERAL PROVISIONS

1. **SALE OF LICENSES.** Hunting, fishing and trapping licenses in this State shall be issued and sold by the Commission upon such forms which

contain such information as the Commission may prescribe; provided, said licenses for hunting and fishing shall be sold in each county by some designated bonded agent who shall keep stubs of all licenses sold. All licenses shall be charged to such agent, who shall account for same and for the cash from resulting sales. The agent selling such licenses shall not receive for himself more than twenty-five (25¢) for each license issued. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-201.)

**2. FALSE STATEMENT IN APPLICATION FOR LICENSE.** Any person who shall knowingly make a false statement in his application for any type of hunting, fishing or trapping license, except as otherwise provided, shall be guilty of a misdemeanor and shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-202.)

**B—SPORT LICENSES**

**1. NON RESIDENT.** It shall be unlawful for any person not a resident of Georgia to hunt, fish or trap in the jurisdiction of this State without a proper non-resident license, except as otherwise provided by law and interstate agreements. It shall be unlawful for any non-resident to hunt, fish or trap without carrying the required license on his person. Any person violating any provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

Non-resident license fees shall be as follows:

**Trapping**

- (a) Yearly in location where permitted .....\$25.00

**Hunting**

- (a) Yearly throughout the State ..... 20.25
- (b) Yearly in one county (license must designate the county) ..... 10.25

(c) For a period of ten days throughout the State ..... 10.25

## **Fishing**

(a) Yearly throughout the State ..... 5.25

Provided, however, that any person not a resident of this State who desires to fish in this State may obtain from the Commission a license, which fee shall be in the same amount as the rate in which such non-resident resides charges for non-resident fishing licenses. Such license issued by the Commission shall bear the date of April first of the year in which issued and shall expire on March thirty-first of the following year; provided, however, that non-residents may purchase daily permits to fish within the waters of Georgia open to fishing, upon exhibiting a current fishing license issue by the state of his residence and upon payment of the sum of \$1.00 for each day for which a permit is desired. (Ga. Laws 1955, pp. 483, 505; Code Ann., §§45-203, 45-204.)

**2. RESIDENT.** It shall be unlawful for any resident of this State to hunt, fish or trap without proper resident license. It shall be unlawful for any resident of this State to hunt, fish or trap in this State without carrying the required license upon his person. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

Resident license fees shall be as follows:

## **Trapping**

(a) Yearly in the location where permitted .....\$3.00

**b. HUNTING AND FISHING.** A hunting license entitling any resident of this state to hunt in any county shall be issued upon payment of fee of \$2.25 annually, and a fishing license entitling any resident to fish in the fresh waters of any county shall be issued upon payment of fee of \$1.25 annually. Persons under the age

of sixteen (16) years shall not be required to obtain the hunting or fishing licenses referred to herein.

**c. COMBINATION LICENSES.** A combination license, entitling any resident to hunt or fish as above provided shall be issued up on the payment of a fee of \$3.25 annually.

**d. SEINING AND NETTING.** Residents engaging in seining or netting, where otherwise authorized, shall obtain the fishing license as above provided, or the combination license.

**e. HONORARY LICENSES.** All legal residents of Georgia who are 65 years of age or more and who apply to the Commission shall receive an honorary hunting and fishing license which shall entitle the holder thereof to hunt and fish without the payment of any fee whatsoever.

All honorary hunting and fishing licenses with the exception of the payment of fees, are subject to all other provisions of laws, rules and regulations of this State. Such honorary licenses may be revoked upon the conviction of the holder for any violation of the game and fish laws of this State. It shall be unlawful for any person having an honorary fishing license or hunting license to permit the use of same by any other person. It shall also be unlawful for any person to use an honorary hunting and fishing license who is not entitled to the same. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 506; Code Ann., §45-204, 45-205, 45-206, 45-207.)

**NOTE:** Prior to passage of S. B. 60, the Comprehensive Game and Fish Bill (Ga. Laws 1955, p. 483), the General Assembly passed and the Governor approved H. B. 219 (Ga. Laws 1955, p. 158), which made provision for resident hunting and fishing licenses. S. B. 60 was amended in committee so as to adopt, in greater part, the provisions of H. B. 219, in lieu of comparable provisions originally made in S. B. 60. The resident



licensing provisions of S. B. 60, as adopted from H. B. 219, became effective on April 1, 1955. In addition, Section 2 of H. B. 219, which was continued of force in S. B. 60, repealed a local law (Ga. Laws 1949, p. 1361) exempting citizens of a certain designated area from license requirements. This local law was probably unconstitutional anyway. See Constitution, Article I, Section IV, Paragraph I (Code Annotated, Section 2-401); Article I, Section I, Paragraph II (Code Annotated, Section 2-102).

### **3. SCOPE AND EFFECTIVE DATE OF ABOVE LICENSES.**

(a) **FISHING LICENSES—FRESH AND SALT WATER.** All sport licenses issued under the provisions of Sections 1 and 2 of Part B hereof, shall entitle the holder thereof to sport fish in any of the fresh or salt waters of this state, but in the latter case, only within the three mile limit. (Ga. Laws 1955, pp. 483, 506; Code Ann., §45-205.)

(b) **EFFECTIVE DATE OF LICENSES.** All sport licenses issued under Sections 1 and 2 above, except daily permits issued to non-residents under Section 1, and honorary licenses issued under Section 2(e), which are hereby declared to be permanent, shall be effective from April 1 until March 31 next following. (Ga. Laws 1956, pp. 590, 591; Code Ann., §452.)

### **C—SCIENTIFIC AND PROPAGATION PERMITS**

Under the seal of the Commission, permits may be issued to any person to take, capture, kill, or transport any of the wildlife of this State or the plumage, skin or body thereof, or the nest or eggs of the same for propagation or scientific purposes, or for pets, under such regulations and restrictions as may be imposed by the Commission. Such permits may be issued upon the payment of a fee of \$1.00, and the same may be revoked at the pleasure of the Commission. Such permits, unless sooner revoked, shall be valid from April first of the year in which issued until



March thirty-first of the following year. It shall be unlawful for any person or persons to take, capture, kill or transport any of the wildlife of this State or the plumage, skin or body thereof, or the nests or eggs of the same for propagation or scientific purposes, or for pets, without first obtaining a valid permit as herein provided. Any one violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 507; Code Ann., §45-208.)

NOTE: See also Chap. VI, dealing with Commercial Quail Breeder's Licenses, *infra.*, p. 51.

## **D—COMMERCIAL LICENSES**

**1. SHAD.** No person shall take shad from the waters of this State for purposes of sale without first having procured from the Commission a license as follows: Persons having a residence within this State and being citizens of the United States shall pay a fee of \$1.00 for such license. Citizens of other states residing outside of this State shall pay a fee of \$10.00. All licenses provided for in this section shall be effective from April first of the year in which issued until March thirty-first of the following year. Any person or persons who take shad from the waters of this State in violation of the provisions of this section, without having first procured the license herein required, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 508; Code Ann., §45-210, 45-211.)

## **2. BOAT LICENSES; SALT WATER.**

(a) Application. No boat or vessel shall be used in commercial fishing or for commercial taking of any seafood in the waters of this State without being properly licensed. The owner or operator of such boat or vessel shall present in writing an application for such license, setting forth the name and description of such boat or vessel, the name and post office address and residence of the owner and operator of such boat or vessel,

the number of the crew and such other data and information as the Commission shall deem necessary. Applications shall be made on blank forms as prescribed by the Commission, and shall be under oath and duly witnessed by an officer authorized by law to administer oaths. Any person operating such boat or vessel which is not properly licensed shall be guilty of a misdemeanor and punished as provided by law.

(b) Issuance. The Commission, upon receipt of such commercial license application, shall investigate the person applying for such license to determine the applicant's credibility. If such investigation reveals that the applicant has been convicted within five years of violating the laws, rules or regulations pertaining to the taking of fish or the taking of seafood in the tidal or salt waters of this State, the license shall be refused. If such investigation does not reveal any such conviction or other good reason for not issuing such license, the Commission shall issue the license for such boat or vessel.

(c) The license fees for commercial boats required under this section shall be as follows:

1. "Boats under 16 feet long and under 4 foot beam .....\$1.05
2. "Boats over 16 feet long and over 4 foot beam .....\$1.05

"And in addition thereto shall be a fee of 20 cents for each additional foot or fraction thereof of length and beam."

To defray the additional cost of regulation and policing, aliens and non-residents shall be charged an additional license fee of \$25.00 for each boat or vessell used in commercial fishing or in the taking of sea food, owned in whole or in part by such non-resident or alien. The licenses issued under this section either to residents or non-residents or aliens, shall be effective from April 1 through March 31 next following. (Ga Laws 1955, pp. 483, 508, as amended, Ga. Laws 1956, pp. 590, 592; Code Ann., §45-212.)

(d) False Swearing. Any person procuring a license for any boat or vessel as provided in this section by swearing falsely to any information required by the laws or regulations relating thereto shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 509; Code Ann., §45-214.)

### **3. IDENTIFICATION TAG FOR BOATS; FEE.**

Each boat or vessel licensed by the Commission shall have securely fixed on each side of the bow or pilot house thereof, and conspicuously displayed in order that it may be read from a reasonable distance, a metal tag of such style and size as may be prescribed by the Commission. The licensee of such boat or vessel shall be required to pay, in addition to the license for such boat or vessel, a fee to cover the cost of said tag; provided, the price charged for such tag shall not exceed \$2.00 per boat or vessel. Each boat or vessel so licensed shall also have painted upon such boat or vessel, in a size and upon such part as prescribed by the Commission, such numbers and letters which shall identify such boat or vessel more easily. The paint used for said purpose shall be different from and in clear contrast in color to the boat or vessel on which applied. The numbers and letters so painted on said boat or vessel shall not be covered at any time while said boat or vessel is trawling or fishing or taking any seafood, by any cloth or other object so as to obscure or make the same invisible to the public or to any inspector or agent of the Commission. Failure to comply with the provisions of this section shall be a misdemeanor and persons so violating shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 509; Code Ann., §45-215, 45-216.)

### **4. RECORD BOOKS TO BE KEPT ON BOATS.**

Every boat or vessel used in commercial fishing or in the taking of seafood in tidal or salt waters of Georgia shall be required to maintain and carry thereon at all times a record book, to be prescribed by the Commission, showing the amount of fish, oysters, prawn, shrimp and other seafood

caught daily, to whom sold, the date of sale and delivery, and such other information as may be required by the Commission. Such records shall be open at any and all times to the duly authorized inspectors or agents of the Commission. The owner or licensee of, or any person operating said boat or vessel, shall be required to make such reports monthly or as may be otherwise required by the Commission. Any person failing to keep the record herein required or failing to produce the same upon the demand of the duly authorized inspectors or agents of the Commission, or who shall in any manner fail to comply with the provisions of this section, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 510; Code Ann., 45-217, 45-218.)

**CROSS REFERENCES:** See Section C, p. 85 *infra*, relating to records and reports kept by tanning plants, factories, etc.

## **5. COMMERCIAL FISHERMEN'S PERSONAL LICENSE.**

No person shall take or catch fish or any kind of sea food from the tidal or salt waters of this State for commercial purposes, except as otherwise provided, without first obtaining the proper license to do so. Such license shall be obtained from the Commission and shall be effective from April 1 through March 31 next following. The fee for such license shall be \$2.00 for residents and \$5.00 for non-residents and aliens, the additional cost for the latter being required to defray the additional cost for regulation and policing. Any person violating the provisions of this section, or any person procuring a license as provided hereunder by swearing falsely to any information required by the laws or regulations relating thereto shall be guilty of a misdemeanor and punished as provided by law. The license required by this section is a personal license separate from the boat licenses required in Section D(2) of this Chapter. (Ga. Laws 1955, pp. 483, 510, as amended, Ga.



Laws 1956, pp. 590, 591; Code Ann., §§45-219, 45-220.)

NOTE: See also Chap. IX. § 4(b), here in, relating to Bonds required of commercial fishermen fishing for bait, etc.

## **6. OYSTER GATHERER'S PERMIT.**

(a) Issuance. Each and every commercial fisherman shall each year, prior to engaging in commercial oyster gathering, obtain an oyster collector's permit from the Commission. The permit shall be in the form of a chart to which is attached or affixed the date, the name of the individual, the company the individual is working for, and the number of the State health certificate. The chart shall show the areas in which oysters cannot be taken because of pollution as determined by the State Department of Health.

A master chart showing the pollution zone shall be kept on file at the office of the Supervisor of Coastal Fisheries. The chart shall also show the areas from which the applicant may obtain oysters by virtue of demonstrated authority:

- (1) Lease of State-owned land.
- (2) Ownership of lands or authorized agent for owner.
- (3) Lease of lands from landowners.
- (4) Permit from Coastal Fisheries Office to remove oysters from natural oyster beds on unleased State lands.

A duplicate oyster collector's permit with chart shall be filed with the Coastal Fisheries Office of the Commission. The permits provided for herein shall be furnished to the applicants by the office of the Coastal Fisheries at cost price. The Coastal Fisheries Office shall furnish sufficient charts covering the areas of operations to satisfy needs. These charts shall be recent United States Coast and Geodetic charts, or accurate facsimiles of same. (Ga. Laws 1955, pp. 483, 511; Code Ann., §45-221.)



(b) **Duty to Carry Permit.** Every person, while engaged in commercial oyster collection from oyster beds, shall carry with him the permit as herein required and it shall be unlawful for any person to engage in oyster collection for commercial purposes without first having with him a permit to do so. It shall also be unlawful for any person to collect or engage in collecting oysters from any polluted areas or sources, or from any areas or sources other than as shown and authorized for use by the permit granted to him. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 512; Code Ann., §45-222, 45-223.)

(c) **Permit Not Required—When.** Nothing in this section shall prohibit an individual from taking not in excess of two bushels of oysters per day for his own use, when authorized to do so by written permission of the landowner, which written permission shall be in possession of the person so taking. (Ga. Laws 1955, pp. 483, 512; Code Ann., §45-224.)

**7. ALLIGATOR HUNTERS' LICENSE.** It shall be unlawful for any person to hunt, trap, or in anywise engage in the activity of capturing alligators without first obtaining from the Commission, a special annual alligator hunter's license, for which shall be charged a fee of \$5.00 as to residents, and \$25.00 as to non-residents, the additional costs for the latter being to defray the additional cost of policing and regulation, said licenses to be effective from April 1 in the year which issued through March 31 of the year next succeeding. The open season for hunting and trapping alligators shall be from June 1 to January 31, and no alligator shall be killed or captured which is less than 5 feet in length. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 595; Code Ann., §45.)

## 8. FUR DEALERS AND AGENTS LICENSES.

(a) No person, firm or corporation shall engage in the business of buying and selling furs, hides and pelts of wildlife as herein defined, including alligator hides, without first obtaining from the commission an annual license, for which shall be charged a fee of \$100.00 for residents, and \$200.00 for non-residents, the additional cost for the latter being to defray the additional cost of policing and regulation, said licenses to be effective from April 1 in the year which issued through March 31 of the year next succeeding.

(b) No person shall act as agent for another in the buying or selling of such furs and hides above referred to, without first obtaining from the commission an annual agent's license, for which shall be charged a fee of \$5.00, for both resident and non-resident agents, said license to be effective from April 1 in the year which issued, through March 31 of the year next succeeding.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 595; Code Ann., §45.)

## CHAPTER III

### TRANSPORTATION OF WILDLIFE

**1. TRANSPORTATION BY PERSON KILLING OR TAKING.** It shall be unlawful for any person to take, ship, or transport from any point within this State to another point within this State or from any point within the State to any point beyond the borders of this State, except as otherwise provided, any wildlife taken, captured, or killed in this State unless such wildlife be in the personal possession of or carried openly by the person who took, captured or killed such wildlife. Such person shipping or transporting such wildlife shall have in his possession at the time a proper license or permit as prescribed by the wildlife laws, rules and regulations. Any violation of this Section shall be a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 514; Code Ann., §§45-401, 45-402.)

**2. TRANSPORTATION BY COMMON CARRIER.** Any resident of Georgia taking, capturing, or killing wildlife may have such wildlife transported to his home by a common carrier by filing with the common carrier a written statement giving his name and address, the number of wildlife to be so transported, and that said wildlife was legally taken, captured, or killed by himself and is to be lawfully used or sold. A copy of said statement shall be attached to such wildlife or to its packaging. Any resident of Georgia who has such wildlife transported by common carrier without carrying out the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 514; Code Ann., §§45-403, 45-404.)

**3. TRANSPORTATION BEYOND STATE.** Any person who desires to take, ship, or transport wildlife out of the state may do so under the following conditions, but not otherwise:

(a) He must have in his possession at the time

of such taking, shipping, or transporting a proper wildlife license or permit duly issued to him by the Commission.

(b) He cannot take from the State more than the limits set by the Commission.

(c) He shall make a sworn statement, duly attested to by any authorized officer of this state which statement shall show that he has lawfully taken such wildlife and that they are not for sale, except as otherwise permitted by the wildlife laws, rules and regulations, and he shall show the number of wildlife being shipped, transported, or taken out of the state. One copy of this statement shall be given the common carrier and one shall be attached to the wildlife being shipped, transported or taken out of the state.

(d) He shall submit his license and sworn statement to any sheriff, deputy sheriff, or wildlife ranger for inspection.

(e) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 514; Code Ann., §§45-405, 45-406.)

**4. TRANSPORTATION BY PERSON HOLDING SCIENTIFIC PERMIT.** Any person who has been issued and is holding a valid scientific permit may ship, or transport, from any point within this state to any other point within the state or to points beyond the state any wildlife or parts thereof for propagation or scientific purposes. The transportation companies may accept such shipments and both the shipper and transportation company accepting such shipments shall on the same day that the shipment is made report to the Commission the number and the species of such wildlife shipped, and to whom, and by whom shipped. Any violation of this Section shall be a misdemeanor and shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 515; Code Ann., §§45-407, 45-408.)

**5. DUTY OF CARRIER.** It shall be unlawful for any person, company, or common carrier to ship, transport, or to receive for shipment or transportation any wildlife, except as otherwise provided by the wildlife laws, rules and regulations, without having ascertained that the person offering the same for shipment or transportation was then and there in possession of a proper license or permit, duly issued for the period when the shipment was offered. Any person, firm, or corporation who shall ship, or transport the skins, hides, or pelts of fur-bearing animals shall be required to make reports of such shipments or transportation as may be required by the rules and regulations of the Commission. Any person, firm, or corporation who shall violate any terms of this Section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 515; Code Ann., §§45-409, 45-410.)



## CHAPTER IV

### HUNTING, FISHING AND TRAPPING GENERAL PROVISIONS

**1. RIGHT OF COMMISSION TO INSPECT WILDLIFE.** It is hereby made the duty of every person participating in the privileges of killing, taking, capturing or possessing wildlife, to permit the Commission, its officers and wildlife rangers, to inspect and count such wildlife to ascertain whether the requirements of the wildlife laws, rules and regulations are being faithfully complied with. Any person who shall refuse such inspection and count or shall interfere with such officer or obstruct such inspection or count shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 516; Code Ann., §§45-501, 45-502.)

**2. ILLEGAL POSSESSION.** Any person who makes any use of, or has in his possession any wildlife or parts thereof, which have been killed, taken, captured, possessed or destroyed contrary to any of the wildlife laws, rules and regulations shall be equally guilty of the offense and shall be punished in like manner as the person who caught, took, killed or destroyed such wildlife. (Ga. Laws 1955, pp. 483, 516; Code Ann., §45-503.)

**3. IGNORANCE NOT EXCUSE VIOLATION.** In any prosecution for the violation of any of the provisions of the wildlife laws, rules and regulations, it shall not be a defense that the person killing, taking, capturing, possessing, selling, shipping or storing wildlife was mistaken as to variety, sex, age, size; it being one of the purposes of the wildlife laws to penalize recklessness resulting in the violation of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 516; Code Ann., §45-504.)

**4. PENALTY FOR PURCHASE, SALE, ETC. OF WILDLIFE.** Except as otherwise specifically provided, it shall be unlawful for any person, firm, or corporation in this State to barter, sell

or offer to barter, sell or to purchase or offer to purchase, either under the name of the wildlife laws, rules and regulations or under any other name of guise whatever, any of the game birds, game fowl, or game animals of this State, except that it shall be lawful for any person to commercially raise, grow, propagate, sell and purchase ringneck pheasants in the State of Georgia, provided, however, that wildlife rangers or officers of the Federal Fish and Wildlife Agency may buy, or offer to buy, wildlife or parts thereof for the sole purpose of obtaining evidence of violations of the wildlife laws, rules and regulations. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 516; Code Ann., §§45-505, 45-506.)

NOTE: See Chap. VI, *infra*, dealing with sale of pen-raised quail.

**5. PERSON HIRING ANOTHER TO TAKE OR CAPTURE WILDLIFE.** Any person hiring another to kill, take, capture, or possess wildlife and receiving such wildlife shall be deemed as having killed, taken, captured or possessed same and subject to the penalties of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-504.)

**6. POSSESSION OF WILDLIFE PURCHASED OUTSIDE STATE; PERMITS.** It shall be unlawful for any person, firm or corporation to have in possession in this State any wildlife purchased outside of the State of Georgia, without first securing or obtaining a permit from the Commission. All bills of lading and shipping tickets covering any wildlife which said person, firm or corporation might have in possession, shall be open to and available for inspection by the Commission and any of their agents or representatives. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 517; Code Ann., §§45-508, 45-509.)

**7. HUNTING WHILE INTOXICATED.** No person shall hunt in this State with firearms while under the influence of any intoxicating wines, beers or liquors. Any person violating this section shall be guilty of a misdemeanor and punished as prescribed by law. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-510.)

## **8. HUNTING WITH DOGS.**

### **(a) Generally.**

It shall be legal to hunt wildlife with dogs except as otherwise provided by the laws, rules and regulations pertaining to wildlife. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-511.)

### **(b) Foxes.**

It shall be lawful to hunt, chase, or catch foxes with dogs; provided, that no hunter shall go upon the lands of another without the permission of the owner, the lessee of the land, or the lessee of the game rights on the land. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-512.)

### **(d) Deer.**

Any person hunting deer with dogs in any locality other than that prescribed by the rules and regulations of the Commission shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §45-513.)

### **(d) Duty of Wildlife Rangers to Kill Dogs Illegally Pursuing Deer.**

Any person may, and it shall be the duty of every wildlife Ranger to kill any dog pursuing or killing deer in any locality other than that prescribed by the rules and regulations of the Commission permitting such hunting, and no action shall be maintained against the person for the killing. (Ga. Laws 1955, pp. 483, 518; Code Ann., §45-514.)

**9. HUNTING OR PURSUING GAME ON PUBLIC HIGHWAY ILLEGAL.** It shall be unlawful to hunt or shoot or chase, catch or kill, with or without dogs, any wildlife upon a public highway. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-515, 45-516)

**10. HUNTING OR PURSUING GAME FROM AUTOMOBILE, AIRPLANE, POWER BOATS, ETC.** It shall be unlawful to hunt, chase or kill any game fowl, game birds, game and furbearing animals or wild fowl from an electric, gas or steam boat, sailboat or airplane, or by hydroplane, or from any automobile or motor vehicle. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-517, 45-518.)

**11. DESTRUCTION OF DENS AND HOMES OF WILDLIFE ILLEGAL.** It shall be unlawful to disturb, mutilate or destroy the den, holes, or homes of any wild animals except as otherwise provided by the wildlife laws, rules and regulations; to blind with lights or to use explosives, chemicals or mechanical devices or smokers of any kind in order to drive such wildlife out of said habitats. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-519, 45-520.)

**12. ILLEGAL USE OF SNARES, PITFALLS, ETC., TO CAPTURE BIRDS AND ANIMALS.** It shall be unlawful for any person at any time to make use of any pitfall, deadfall, scaffold, catch, snare, trap, net, salt lick, blind pig, baited hook, or other device for the purpose of killing, making, capturing or injuring birds or animals protected by the wildlife laws, rules and regulations, except as otherwise provided. Any person violating any part of this section shall be guilty of a misdemeanor and punished as pro-



vided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-521, 45-522.)

### **13. RABBITS AND HARES—HUNTING AND SALE.**

#### **(a) Seasons—Minors May Take in Rabbit Boxes.**

No person shall take or kill rabbits or hares in this State except during the lawful hunting season, which shall be prescribed by regulation of the Commission; provided, however, that minors not over sixteen (16) years of age may at any time trap or capture rabbits or hares by use of rabbit boxes or similar traps, subject, however, to the provisions of the paragraphs of this section hereafter following.

#### **(b) Bag Limit.**

No person shall take or kill more than five rabbits or hares in any one day, nor shall any person sell or offer to sell any rabbit or hare, or parts thereof.

#### **(c) Penalty for Violation.**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

#### **(d) Domestic Rabbits and Hares.**

The provisions of this section shall not apply to persons who raise rabbits and kill them for the purpose of resale. (Ga. Laws 1955, pp. 483, 519 as amended, Ga. Laws 1956, pp. 590, 601; Code Ann., §§45-523, 45-524.)

**14. HUNTING ON LANDS OF ANOTHER WITHOUT PERMISSION.** Any person who shall hunt upon the lands of another, or enter upon the lands of another in pursuit of wildlife, with or without a license, without first obtaining permission from such landowner or lessee of the land or lessee of the game rights of the land, shall be guilty of a misdemeanor and punished by law. It shall be the duty of wildlife rangers,



sheriffs and deputy sheriffs to enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 519; Code Ann., §45-527.)

**15. BAITING OF LANDS ILLEGAL.** It shall be unlawful for the owner of land or any other person to scatter corn, wheat or other grain, or to bait for the purpose of drawing game birds or fowl to the land where such bait was scattered or placed, for the purpose of shooting or allowing to be shot at or killing or taking such game birds at or near the land so baited, and it shall be unlawful for any person to shoot at or kill any game birds at, upon, over or near any baited field or land. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 519; Code Ann., §§45-525, 45-526.)

**16. HUNTING IN SALT WATER CREEKS, STREAMS, AND ESTUARIES WITHOUT PERMISSION ILLEGAL—When.** Any person who shall hunt in any of the creeks, streams or estuaries leading from the Atlantic Ocean, sounds, rivers or bays of this State surrounding the several islands of this State, used or maintained in whole or in part as private or public game preserves, when such creek, stream or estuary leads into such islands, or shall enter such creek, stream or estuary for the purpose of hunting therein, without the consent of the owners or resident guardian of such island, shall be guilty of a misdemeanor and punished as provided by law; provided, that this law shall apply only to a salt water creek, stream or estuary that enters and ends in an island owned in its entirety by a single ownership, family or estate. It shall be the duty of Wildlife Rangers, Sheriffs and Deputy Sheriffs to enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 520; Code Ann., §45-528.)

**17. HUNTING, KILLING OR TAKING WILDLIFE AT NIGHT.** The Commission shall designate by rules and regulations what wildlife may be hunted, killed, taken or captured at night,

and what ways, means and methods shall be used, and the location where permitted. It shall be a misdemeanor to hunt, kill, take or capture any wildlife at night other than the wildlife designated by the Commission. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955 pp. 483, 520; Code Ann., §45-529.)

**18. REPORT OF DEER KILLED.** Every person killing a deer in this State shall within five days report the fact in writing to the Commission. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 520; Code Ann., §§45-530, 45-531.)

**19. HUNTING WITHIN HALF-MILE OF STREAM IN FLOOD UNLAWFUL.** It shall be a misdemeanor, punishable as provided by law for any person to hunt or kill wildlife within one-half mile of any stream or river which is in flood, until such time that such flood waters shall have receded. The term "in flood" shall be held and deemed to mean such stream that shall have overflowed its bank or banks: provided, however, that this provision shall not prohibit the hunting or killing of water fowl when in season anytime from boats upon said stream or river. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955 pp. 483, 520; Code Ann., §45-532.)

**20. STORAGE OF WILDLIFE—PERMITS.** The Commission shall promulgate rules and regulations, designating the time allowed for consuming wildlife killed during the legal seasons and the conditions under which the storage of such wildlife may be allowed. Provided, however, that it shall be a misdemeanor for any person, firm or corporation operating a grocery store, hotel, market, cold storage house, restaurant, or any public place designed to receive for storage, to store any wildlife which has been killed, unless the person offering to store such wildlife

shall first exhibit a proper game and fish license, together with a written permission from the Commission or their designated officials, to store such wildlife, which permit shall be kept by the person, firm or corporation accepting such wildlife for storage. Said permit shall be exhibited on demand to any agent or representative for the Commission. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 521; Code Ann., §45-534.)

**21. KILLING OF NON-GAME BIRDS ILLEGAL—DESTRUCTION OF NESTS AND EGGS.** Except as otherwise provided by the wildlife laws, rules and regulations, any person who shall kill, take or capture or have in his possession any wild non-game bird, or take or destroy the nest or eggs of any non-game bird or have the same in his possession, shall be guilty of a misdemeanor and punished as provided by law; provided, that any person may ship into this State birds mounted for millinery purposes. (Ga. Laws 1955, pp. 483, 523; Code Ann., §45-611.)

**22. CONFISCATION OF HIDES, FURS, ETC. ILLEGALLY TAKEN.** Wildlife rangers, sheriffs and other peace officers of this state or any county or municipality thereof shall seize any furs, hides or pelts taken, captured or killed in violation of the wildlife laws and regulations, which shall be sold or disposed of in such manner as the Director of the Game and Fish Commission may direct, anytime after the expiration of 30 days following such seizure, unless the owner thereof files claim within such time in the city, county or superior court having jurisdiction in the county where such seizure was made, which claim shall be tried as other civil cases in said Court. (Ga. Laws 1956, pp. 590, 599; Code Ann., §45.)

## CHAPTER V

### TRAPPING

**1. COMMISSION TO DESIGNATE SPECIES AND SEASONS.** The Commission shall, by the promulgation of rules and regulations, designate the kinds and species of wildlife that can be lawfully trapped during trapping seasons. It shall be unlawful for any person, firm or corporation to trap out of season, or to trap any wildlife in this State unless it is the kind and species designated in the rules and regulations of the Commission. Provided, that it shall be lawful for any person to set steel traps within two hundred yards of the residence or dwelling of any such person for the protection of livestock, poultry or other fowl or domesticated animals from any vermin or predatory animal, bird or fowl. (Ga. Laws 1955, pp. 483, 521; Code Ann., §45-601.)

**2. TRAPS TO BE STAMPED WITH OWNER'S NAME.** All traps set or used for the purpose of taking wildlife shall be stamped with the owner's name in such a manner that the same shall be legible at all times. Any trap or traps found that are not stamped as required above may be confiscated and destroyed by the Commission, its officers, and wildlife rangers. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-602.)

**3. EMERGENCY TRAPPING PERMITS.** In times of emergency, where the health and welfare of the people in a locality are in danger, the Commission may issue permits allowing trapping by designated persons in certain defined localities for the purpose of protecting the public health and welfare. Such designated persons shall not be required to have a trappers' license to carry out such emergency trapping. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-603.)

**4. TRAPPING ON LANDS OF ANOTHER—WRITTEN CONSENT.** It shall be unlawful for any person to set or place any trap, or bait the same upon the lands of, or in the waters adjoin-



ing the lands of any person, for the purpose of taking capturing or killing any wildlife upon the lands of another except during the open seasons on such wildlife, and then only after such persons have obtained the written consent of the owner of the lands, which written consent shall be upon the person who may be using or setting said device. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-604.)

**5. CONFISCATION OF TRAPS, ETC., ILLEGALLY USED.** It shall be the duty of the wildlife rangers to confiscate all traps, pitfalls, deadfalls, scaffold, catch, snare, net, salt lick, blind pig, baited hook, or other similar devices used in violation of the wildlife laws, rules and regulations and to dispose of same as may be directed by the Commission. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-605.)

**6. TRAPS TO BE INSPECTED EACH THIRTY-SIX HOURS.** All traps shall be inspected within each thirty-six hours and anything caught therein shall be removed. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-606.)

**7. REPORT TO LAND OWNER OF DOGS, FOWL, ETC., CAUGHT IN TRAPS.** Persons trapping upon the lands of another shall at once make the owner of the lands a full written report of the head of stock, fowl, or dog caught in the trap or other trapping device set by such person, giving the date such stock, fowl, or dog was caught with full description thereof. (Ga. Laws 1955, pp. 483, 522; Code Ann. §45-607.)

(a) When damage is done to any persons' stock, fowls, dogs or like property, by reason of being caught by said devices, the one setting or placing said devices shall be liable for all damages done by them. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-607.)

**8. PENALTY FOR VIOLATION OF TRAPPING LAWS AND REGULATIONS.** Any violation of the provisions of the trapping laws, in-



cluding the rules and regulations of the Commission, shall be a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483-523; Code Ann., §45-610.)

**9. USE OF FIREARMS TO KILL MINK OR OTTER ILLEGAL—WHEN.** It shall be a misdemeanor to use any kind of firearm to kill or injure mink or otter or to possess or offer for sale any mink or otter pelts killed by any kind of firearm; provided, that nothing herein shall prevent a person from killing any of said animals while they are destroying or damaging, or about to destroy or damage, such person's crops, domestic fowl or other personal property. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483-523; Code Ann., §§45-609, 45-610.)

## CHAPTER VI

### PEN-RAISED QUAIL

**1. RAISING, SALE, ETC.** Any person, firm or corporation may engage in the business of propagating pen-raised quail, commonly known as bobwhite quail, for re-stocking, propagation and other commercial purposes by complying with the provisions of this law, and may thereafter sell either live quail or the carcasses of such pen-raised quail for any purpose, including sale for food, either within or without this State.

**2. DEFINITION OF PEN-RAISED QUAIL.** A pen-raised quail is a quail that has been hatched from an egg laid by a quail confined in a pen or coop and has itself been wholly raised in a pen or coop by a duly licensed quail breeder holding a permit as provided by law from the Game and Fish Commission.

**3. LICENSE.** A Commercial Quail Breeder's License must first be obtained from the Game and Fish Commission, or its agents, and said license shall be applied for within one year after the passage of this Chapter, and each year thereafter, and shall be valid from April 1st to March 31st next following, upon payment of Twenty-Five (\$25.00) Dollars for each such license. Such license must bear a number as designated by the Game and Fish Commission, and shall be conspicuously exhibited at all times at the place where said quail are bred.

**4. STAMP TO BE USED.** Before any sale may be made of the carcass of any bobwhite quail, the holder of a Commercial Quail Breeder's license shall obtain and keep a rubber stamp on which there shall be affixed the name and address of the licensee and the year and number of his license, as follows:

"Georgia Game and Fish Commission  
Commercial Quail Breeder's License,  
No. \_\_\_\_\_ for 19\_\_\_\_, issued  
to \_\_\_\_\_ of \_\_\_\_\_, Ga."

and said words thusly to be affixed to said rubber stamp shall be uniformly abbreviated, in order to facilitate the plain impression, by use of harmless ink, of said stamp upon the carcass of each quail, as prescribed by the Game and Fish Commission in its certificate, attached to the game breeder's license and issued simultaneously with the sale of such license, which certificate, when duly detached from said license, and delivered shall be the sole and exclusive authorization for any person, firm or corporation to manufacture or produce one or more rubber stamps for the breeder named in such license. It shall be unlawful for any person, firm or corporation to manufacture or sell any such stamp without such authorization certificate, which certificate shall be kept on file by such person, firm or corporation manufacturing such stamp or stamps for a period of four (4) full years, and each such stamp shall bear the name and address of the person, firm or corporation, by whom it was made.

**5. PENALTY FOR NOT STAMPING.** Before the carcass of a dead pen-raised quail shall be sold, the holder of the Commercial Quail Breeder's license shall plainly stamp and mark each such carcass sold with said rubber stamp. Any person selling or purchasing the carcass of pen-raised quail not so stamped and marked shall be guilty of a violation of this law. All pen-raised quail offered for sale or sold for commercial purposes must be killed otherwise than by shooting with firearms.

**6. INVOICE TO BE ATTACHED TO SHIPMENTS.** Such pen-raised quail, when dressed and stamped as herein provided, when delivered into the hands and possession of the purchaser, his agent or common carrier, or into the hands of a donee, and prior to leaving the place of the licensed breeder by whatever method employed, shall have firmly and substantially attached to the package an invoice signed by such licensed breeder, or his agent, stating the number of the license, the number of quail contained

in said package and the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this State, possession and use for thirty (30) days after its date, and shall be substantially in the following form:

Name of licensed Breeder. Number of  
Breeder's license, Date\_\_\_\_\_ of  
\_\_\_\_\_ 19\_\_\_\_\_  
\_\_\_\_\_ 19\_\_\_\_\_.

Kind and number of quail \_\_\_\_\_.  
Name of consignee \_\_\_\_\_.  
Address of consignee \_\_\_\_\_.

This authorizes transportation within  
this State, possession and sale for thirty  
(30) days after date if attached to pack-  
age.

By: \_\_\_\_\_ (Breeder)  
\_\_\_\_\_ (Agent)

**7. INVOICE TO BE ATTACHED TO SHIP-  
MENT.** When any such package contemplated  
by Section 2 of this Chapter containing a ship-  
ment of quail carcasses for which an invoice is  
required, is to be shipped by rail, express or  
other carrier, public or private, the invoice  
shall be securely attached thereto or to the pack-  
age containing the same in plain sight, and the  
same may then be lawfully carried and delivered  
within this State to the consignee named in such  
invoice.

**8. INVOICE TO BE KEPT ATTACHED UN-  
TIL, WHEN.** If such package or shipment of  
quail carcasses is kept in storage in any hotel,  
restaurant, cafe or boarding house, or elsewhere,  
such invoice shall be kept attached thereto as  
aforesaid until the same shall have been pre-  
pared for consumption.

**9. SALE BY PERSONS OTHER THAN RE-  
TAIL VENDOR, INVOICE TO BE COPIED.** In  
case of the resale or disposition of such quail



or any part thereof by any person other than a retail vendor, he shall at such time make an exact copy of such original invoice and endorse thereon the date of his sale, the number of quail carcasses so disposed of and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the quail are prepared for consumption, and the same shall have the same force and effect as the original invoice.

**10. RECORDS, ETC.** Each person, firm or corporation, holding a Commercial Quail Breeder's license shall keep permanent records in a suitable, permanently bound book of all birds carcasses sold, to whom sold, the date of the sale, the address of the vendee or consignee and the number of carcasses sold, which said record, as well as the premises of such licensed breeder, shall be subject to examination and inspection by any agent of the Game and Fish Commission or peace officer, without the issuance of any warrant upon displaying his credentials or authority to such breeder.

**11. WHO SUBJECT TO ACT.** Any person, firm or corporation shipping quail into this State shall be subject to the provisions of this Chapter.

**12. PENALTY FOR VIOLATION OF CHAPTER.** Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereon shall be punished as provided by law.

**13. OTHER SECTIONS OF GAME AND FISH LAWS EXCEPTED.** Section C of Chapter I herein, relating to scientific and propagation permits, Chapter III, relating to transportation of game, and Section 20 of Chapter IV relating to storage of game, shall not apply to the raising, possession, sale, storage, or transportation of pen-raised quail as provided for in this Chapter (Ga. Laws 1956. p. 48; Code Ann., §45-——.)



# CHAPTER VII

## FISHING

### A. GENERAL PROVISIONS

**1. FISHING ON LANDS OF ANOTHER WITHOUT PERMISSION.** Any person who shall fish in the waters or from upon the lands of another with or without a license, without first having obtained permission from such landowner or person in charge, shall be guilty of a misdemeanor and punished as provided by law. Wildlife Rangers, sheriffs and deputy sheriffs, and all other peace officers of this state, any county or municipality thereof, shall enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 523; Code Ann., §45-701.)

**2. PRIVATE PONDS—FISHING BY OWNER AND TENANTS.** The owner of a private pond, his family or tenants with the owner's consent, shall be permitted to fish within the bounds of said pond at any time and in any manner, without a fishing license; provided, however, that all other persons shall be required to obtain fishing licenses therefor as in other cases as required by this act. (Ga. Laws 1955, pp. 483, 524; Code Ann., §45-702.)

NOTE: Definition of "Private Pond" see Chapter I, section B (1) (e).

**3. USE OF BATTERIES, GENERATORS, EXPLOSIVES, POISONS, ETC., FOR TAKING FISH PROHIBITED.** Any person who shall use any battery, generator or other similar device, or any dynamite, explosives or destructive substances, including poisons, walnut hulls, lime, and others, for the purpose of catching, killing, taking or harming fish, shall be guilty of a misdemeanor and punished as provided by law. The possession of any of the foregoing devices or substances in any boat on the fresh waters of this State shall be deemed prima facie evidence of guilt under this section; provided, this provision shall not apply to batteries used to op-

erate motors or lights. (Ga. Laws 1955, pp. 483 524; Code Ann., §45-703.)

**4. KILLING FISH WITH FIREARMS ILLEGAL.** Any person who shall use any kind of firearm for the purpose of killing fish shall be guilty of a misdemeanor and punished by law. (Ga. Laws 1955, pp. 483, 524; Code Ann., §45-704.)

**5. PURCHASE OR SALE OF GAME FISH PROHIBITED.** No person shall barter, sell or offer to barter, sell, or to purchase or offer to purchase, or have in possession for barter or sale, any game fish, except as otherwise provided by law. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. Laws 1955. pp. 483, 524; Code Ann., §45-705.)

**CROSS REFERENCES:** See Chap. VIII, dealing with minnow and live fish (for restocking) dealers' licenses.

**6. PLACING OF TRAPS, BASKETS, SEINES, ETC., IN STREAMS PROHIBITED.**

**(a) PLACING OF SEINES, TRAPS, BASKETS, ETC., IN WATERS.** Any person who shall place or cause to be placed in any of the waters of this State, except private ponds as herein defined, any trap, basket, nets, seines or similar devices for the purpose of catching fish, except as specifically authorized by law, shall be guilty of a misdemeanor and punished as provided by law. It shall be the duty of the Wildlife rangers, sheriff or deputy sheriff to confiscate and destroy such traps, basket or similar devices, upon discovery of same, and report that fact to the Commission.

**(b) USE BY COMMISSION.** Provided however the Game and Fish Commission may, in conducting fisheries research and other projects in the fresh, salt, or tidal waters of this state, utilize baskets, nets, seines, traps, chemicals and any and all other devices or substances of any description, size or character whatever; provided

further however, the use by the Commission thereof shall not be construed as conferring like authority on any person, firm, corporation or institution. (Ga. Laws 1955, pp. 483, 524, as amended, Ga. Laws 1956, pp. 590, 602; Code Ann., §45-706.)

NOTE: Baskets may be used as provided by law for taking rough fish. See Section B which follows below.

## **7. FISHING ON ISLAND GAME PRESERVES.**

Any person who shall fish in any of the salt water creeks, streams or estuaries leading from the Atlantic Ocean, sounds, rivers or bays of this State surrounding the several islands of this state used or maintained in whole or in part as private or public game preserves, when such creek, stream or estuary leads into such island, or who shall enter such creek, stream or estuary for the purpose of fishing therein without the consent of the owners or resident guardian of such island, shall be guilty of a misdemeanor and punished as provided by law; provided, that this section shall apply only to a salt water creek, stream or estuary that enters and ends in an island owned in its entirety by single ownership, family or estate. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-709.)

## **8. RIGHT OF ADJOINING LAND-OWNER TO CONTROL TIDAL STREAM OR ESTUARY.**

Any individual, firm or corporation, including the State of Georgia, owning the real property on both sides of a tidal stream or estuary for its entire length, shall have the right of full control over the shellfish and/or waterfowl of such tidal stream or estuary. Where the real property on both sides of a tidal stream or estuary is owned by two or more persons, firms or corporations, then the right of full control over such tidal stream or estuary may be exercised jointly by such individuals, firms or corporations. Such person or persons so vested with such right of full control shall also be seized and possessed with exclusive right to take shellfish therefrom except as otherwise provided; provided that such

person or persons shall post conspicuously on either side of the entrance of such stream or estuary a sign, with letters not less than six inches in height, reading "POSTED. No Admittance." Any person who shall take shellfish and/or waterfowl from any such tidal stream or estuary after the same has been posted, shall be guilty of a misdemeanor and punished as provided by law; provided, however, that this Act shall not apply to persons while engaged in commercial shad or cat fishing, or to persons while engaged in sport fishing with hook and line; provided, also, that no such owner of lands adjoining any such tidal stream shall be permitted to construct barricades or other obstacles across such stream to prevent ingress and egress to and from such stream. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-711.)

**9. KILLING OF FISH IN TIDAL WATERS WITH GIGS, SPEARS, FIREARMS, ETC., ILLEGAL.** It shall be illegal for any person to take, capture, or kill at night, any fish in any of the tidal waters of this State by use of any gig, spear, firearm or other similar instrument, and any person violating any provision of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 601; Code Ann., §45.)

## **B—Rough Fish Baskets**

**1. COMMISSION TO PRESCRIBE REGULATIONS.** Baskets may be used to take rough fish in the waters of this State during such seasons, in such streams, and with baskets of such type and size, as the Commission shall by rule or regulation prescribe.

**2. PERMITS.** Before any person shall use any basket for taking rough fish, such person shall be required to obtain a permit for each basket from the State Game and Fish Commission. Such permit shall cost one dollar (\$1.00) for each basket; per year—April 1 through March 31st, provided, however, that the employees of the State



Game and Fish Commission shall not be required to have such permit when such basket or baskets are used for rough fish control. Any rough fish taken in said baskets by the employees of the State Game and Fish Commission, when taken for rough fish control, shall be given to a charitable institution.

### **3. BASKETS TO SHOW NAME OF OWNER.**

Every basket used for the taking of rough fish shall distinctly show on the basket the name and address of the person using said basket, and the user of said basket shall notify the wildlife ranger in his area where each basket is located while in use.

### **4. PENALTY FOR VIOLATION OF SECTION.**

Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 525; Code Ann., §§45-707, 45-708.)

### **C.—Shad**

The possession or the having in any boat in or upon the waters of this State, nets or other devices for the purpose of taking shad during such time as the law prohibits the taking of such fish, shall be prima facie evidence that the person having such nets or equipment in his possession is guilty of taking shad in violation of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-710.)

### **D.—Fresh Water Commercial Fishing**

#### **1. LICENSE FOR USE OF NETS AND SEINES.**

Any person engaged in the taking, killing, or capturing of commercial or non-game fish from the public impounded waters and navigable streams of the State of Georgia may use in such commercial fishing operations hoop and fyke nets, seines, gill nets, trammel nets, setlines, trotlines, and snaglines. However, all such nets, setlines, trotlines, snaglines shall conform to the rules and regulations promulgated by the Game and Fish Commission covering same, who shall desig-



nate when, where and how same shall be used and provided further that prior to using any of said nets, seines, or other commercial fishing devices, as herein specified, a person shall have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by this section. (Ga. Laws 1955, pp. 483, 527; Code Ann., §45-801.)

**2. LICENSE IS PERSONAL — EFFECTIVE APRIL 1st TO MARCH 31st.** The license required by this section shall be a personal license required of each individual engaging in the activities covered hereby, and shall be effective from April 1st to March 31st next following. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-802.)

**3. LICENSE FEE—RESIDENTS AND NON-RESIDENTS.** Said licenses shall be issued only by the Game and Fish Commission, and the fee therefor shall be ten dollars (\$10.00) for residents, and twenty dollars (\$20.00) for non-residents and aliens, the additional cost for the latter being required to defray the added cost of policing and regulation. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-803.)

**4. GAME FISH TO BE RELEASED—POSSESSION UNLAWFUL.** All species of fish designated by the game and fish laws or regulations as "game fish" which are taken by use of commercial fishing gear shall be immediately returned to the waters from which taken, and possession of such fish by commercial fishermen shall be unlawful, and such possession by such commercial fishermen shall be prima facie evidence that such fish were taken by commercial fishing gear. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-804.)

**5. USE OF COMMERCIAL FISHING GEAR PROHIBITED NEAR LOCK OR DAM.** The use of the commercial fishing gear as designated in this section shall not be permitted within one-half mile below any lock or dam on any waters to which this section applies. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-805.)

**6. USE OF COMMERCIAL FISHING GEAR PROHIBITED NEAR SALT WATERS.** No person shall take or catch or attempt to take or catch any fish by means of any of the fishing gear designated in this section within one hundred yards above or below the mouth of any of the streams, lakes, estuaries, bayous or rivers emptying into any of the salt waters or bays of this State. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-806.)

**7. CONFISCATION OF EQUIPMENT ILLEGALLY USED.** Should any law enforcement officer of this State or employee of the Game and Fish Commission discover commercial fishing gear being used in violation of the terms of this section, he shall seize and hold the same, and in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Game and Fish Commission and shall be disposed of as ordered by Director of the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 525; Code Ann., §45-807.)

**8. FORFEITURE OF LICENSES UPON CONVICTION OF OFFENSE AGAINST THIS LAW.** Upon conviction of any person for the violation of any of the provisions of this section, all licenses held by any such person to fish commercially or operate or use commercial fishing gear in the public impounded waters or navigable streams of this State may, at the option of the court be forfeited for a period of six months from the date of conviction. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-808.)

**9. TRANSPORTATION OF FISH ILLEGALLY TAKEN.** It shall be unlawful to knowingly ship or transport or to knowingly receive for shipment or transportation any fish taken from the public impounded waters or navigable streams of this State in violation of the terms of this section, and should such fish be knowingly shipped or transported or knowingly received for

shipment or transportation, the same shall be seized and confiscated and upon confiscation shall be disposed of as ordered by the Director of the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-809.)

**10. PENALTY FOR VIOLATION OF LAW.** Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-811.)

**NOTE:** The act of 1956 (Ga. Laws 1956, pp. 590, 591) amended part D above by striking an exception relating to sport fishermen not using more than 20 hooks.

## CHAPTER VIII

### MINNOW AND LIVE FISH (RESTOCKING) DEALERS.

#### (1) DEFINITIONS—

As used in this Chapter, the following terms shall have the definition and meaning placed thereafter:

(a) Wholesale Dealer—Any person, firm, or corporation engaged in the capturing, purchasing, raising, propagating, breeding, or acquisition or possession of live fish or fish eggs for the purpose of stocking or restocking any fresh waters of this State, or the capturing, purchasing, raising, propagating, breeding, or other acquisition of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to others for the purpose of resale.

(b) Retail Dealer—Any person, firm or corporation engaged in the capturing, purchasing, raising, propagating, breeding, or other acquisition or possession of live fish or fish eggs for the purpose of stocking or restocking any fresh waters of this State, or the capturing, purchasing, raising, propagating, breeding, or acquisition or possession of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to others for use thereby, other than for resale.

(c) Import Wholesale Dealer — Any resident person, firm, or corporation engaged in transporting live fish or fish eggs into this State for the purpose of stocking or restocking any fresh waters of this State or the transporting into this State of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to others for the purpose of resale.



(d) Non-resident—Any non-resident person, firm or corporation, selling, furnishing or shipping into this State from any point outside this State, any minnows for use or sale as fresh water bait, or any live fish or fish eggs, to be used, or resold for stocking or restocking any of the fresh waters of this State, without regard to where such contract of sale or acquisition was executed or consummated.

**(2) CATCHING OF MINNOWS WITHOUT DEALER'S LICENSE, WHEN.** Private individuals having valid sport fishing licenses duly issued by the Game and Fish Commission may capture minnows to be used as bait from any of the fresh waters of this State, by means of dip nets or minnow nets which are not over ten (10) feet in length, where such minnows are not to be sold or otherwise used for commercial purposes. Any game fish, or fish other than minnows, taken in such net shall be at once returned to the waters and released, and it is hereby declared unlawful to retain or keep any fish other than minnows taken by such net; Provided further, that the Game and Fish Commission may close by proclamation, as provided in Chapter I, Sec. B (14) hereof, certain waters from time to time, against the taking of minnows, and may regulate the taking of minnows from public waters when this is found necessary.

**(3) LICENSES.** No person shall engage in the business of a wholesale or retail dealer, as herein defined, without first obtaining an annual license from the State Game and Fish Commission as follows, said licenses to be effective from April 1 in the year of issuance through March 31 next following:

1. Resident Retail Dealer .....	\$ 1.00
2. Resident Wholesale Dealer .....	25.00
3. Resident Import Wholesale Dealer...	100.00
4. Non-resident Retail Dealer .....	35.00
5. Non-resident Wholesale Dealer .....	100.00

**(4) SIZE OF MESH FOR NETS.** All nets or seines used for catching minnows for sale as authorized in paragraph (c) above, shall be no longer than ten (10) feet, and shall have a mesh no larger than three-eighths ( $\frac{3}{8}$ " ) of an inch square.

**(5) SHIPMENTS INTO STATE TO RESIDENT DEALERS, WHEN EXEMPT.** Notwithstanding Section 3 hereof, non-resident persons, firms or corporations may sell and ship minnows or live fish and fish eggs into this State without being required to procure the non-resident licenses hereinbefore provided, where such sale and shipment are made to a Resident Import Wholesale Dealer duly licensed under this chapter.

**(6) LICENSES REQUIRED AS TO SHIPMENTS INTO STATES.** No minnows, live fish, or fish eggs shall be shipped into this State from any point outside thereof by any person, firm or corporation, whether licensed as a Non-resident Dealer or otherwise, unless the following requirements are met:

(a) Notice shall be given to the State Game and Fish Commission at least three (3) days prior to the date such minnows, live fish or fish eggs enter this State, which notice shall state the consignor and consignee thereof, and the place of delivery.

(b) A certificate of inspection from some public agency or recognized laboratory in the State of origin shall accompany said notice, and shall disclose the quantity, species, and diseases present, which certificate shall be procured and paid for by the Non-resident Dealer, where applicable, or by the Resident Dealer receiving same as authorized in Section 5 of this chapter, as the case may be.

(c) All imported live fish shall be treated with formaldehyde or other recognized chemicals for control of protozoan parasites, and said fish shall be in water containing at least one part per

million (1 p.p.m.) acriflavin or other recognized chemicals to prevent the spread of disease while in transit.

(d) The person receiving said minnows, live fish or fish eggs in this State shall hold same in special holding facilities for not less than two (2) days, unless sooner inspected, for inspection for disease, parasites or obnoxious species (as may be declared by regulation issued by the Game and Fish Commission) by agents of the Game and Fish Commission, before release for sale or into the waters of this State. Such person shall treat, disinfect, or dispose of any diseased or parasitized fish and containers at his own expense as may be required by the Commission or its agents following inspection.

**(7) PROCLAMATIONS BY COMMISSION LIMITING SHIPMENT, ETC.** The Commission may, as provided in Chapter 1, Section B (14) of this Compilation, issue proclamations prohibiting or limiting the importation, possession or sale in this State of designated species of bait minnows, live fish or fish eggs, where the same are found to be harmful to existing fish.

**(8) CONFISCATION OF MINNOWS, FISH, ETC., CAUGHT OR POSSESSED ILLEGALLY.** The Wildlife Rangers, or other agents or officials shall confiscate any minnows, fish eggs, or live fish, caught, imported, purchased, or acquired by any person, firm or corporation in violation of any provisions of this chapter, this compilation, or any regulation promulgated by the Game and Fish Commission.

**(9) PENALTY FOR VIOLATION OF CHAPTER.** Any person violating any provision of this Chapter or any regulation promulgated pursuant thereto, shall be guilty of a misdemeanor and punished as provided by law.

**(10) EXEMPTION FROM LICENSE AS TO PERSONS UNDER 18.** No person under the age of 18 years, not regularly engaged as a wholesale

or retail dealer under the terms of this chapter. shall be required to obtain a license hereunder.

**(11) CHAPTER APPLIES TO RAISING AND CATCHING OF CATFISH FOR BAIT PURPOSES.** The provisions of this chapter shall be construed and deemed to include the raising, catching, use, and sale, of live catfish not longer than eight inches by any means available, for live bait purposes. (Ga. Laws 1956, p. 231.)



# CHAPTER IX

## SEAFOOD

**NOTE:** Commercial fishermen licensed to catch seafood by the Game and Fish Commission, are exempt from the license tax imposed on wholesale fish dealers. See Code Ann. Supp., §42-1103, as amended, Ga. Laws 1953, Jan.-Feb. Sess., p. 521. This exemption was expressly retained in the Act of 1955 (Ga. Laws 1955, p. 483.)

### **A.—Shrimp—Prawn—Crabs**

**1. POSSESSION OF FEMALE SPAWNING CRABS.** It shall be unlawful for any person, firm or corporation to take from any waters of this State or to buy or sell or to be possessed of any spawning female crab or crabs during any months of the year. No person shall take, catch, possess, or offer for sale any crabs of size less than five inches from spike to spike across the back. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 529; Code Ann., §§45-901, 45-902.)

**2. CATCHING CRABS NEAR PROPERTY OF RESIDENT.** It shall be unlawful for anyone to catch crabs for commercial purposes within 100 feet of the property line of any resident or any extension of his dock. (Ga. Laws 1956, pp. 590, 596; Code Ann., §45.)

### **3. NETS—TAKING OF SHRIMP, CRABS AND FISH—ELECTION.**

(a) Except as otherwise specifically provided, it shall be unlawful for any person to use a power drawn net in any of the tidal or salt waters of this state between January 1 and March 15 of any year. The State Game and Fish Commission shall have the power to open any portion of the offshore waters of this State to commercial shrimping, during the period herein stated, when the count of shrimp in such portion of the offshore waters count no more than 55 shrimp

with heads on to the pound. Officers, agents, or representatives duly authorized by the State Game and Fish Commission shall determine by inspection when the count of shrimp in such portions of the offshore waters are of a count not greater than 55 shrimp with heads on to the pound, and findings by said duly authorized officers, agents, or representatives shall be conclusive as to the count of shrimp per pound. In order to inform commercial fishermen of the opening of said waters as herein provided, the State Game and Fish Commission shall post notices at the Court House and on all shrimp docks in the county in which such offshore waters lie, should they lie in more than one county, and by any other means as may appear feasible.

(b) Except as otherwise specifically provided, it shall be unlawful to fish at any time with nets, other than cast nets, except for shad or sturgeon, in any of the tidal rivers, tidal sounds, tidal bays, and tidal creeks of this State.

(c) Except as otherwise specifically provided, it shall be unlawful to take shrimp in any of the sounds of this State with a net, other than cast nets, except that the taking by nets in such sounds may be lawful between March sixteenth and December thirty-first of each year if authorized pursuant to an election first called in the county in which such sound lies, or in each county in which such sound lies, if the same is in more than one county, to determine the desire of the people of such county or counties with respect to the opening of such sound. Such election shall be called by the ordinary of the county in which the sound lies, or by the ordinary of each county where the sound lies in more than one county, upon the filing of a petition by ten percent (10%) of those voters of such county who were qualified to vote at the last general election for members of the General Assembly.

If the sound lies in more than one county, the election need not be held on the same day in each county. Such elections shall be called within sixty (60) days from the filing of the petition. At such election all persons shall be qualified to vote who were qualified to vote in the last election for the members of the General Assembly. Such elections shall be held in the same manner as elections are held for the members of the General Assembly. At all elections there shall be presented to the voters eligible to participate therein the question to be determined as follows:

To open . . . . . sound to shrimp trawling.

Against opening . . . . . sound to shrimp trawling.

In the event the majority of the voters voting in said election vote in favor of opening such sound, it shall be the duty of the State Game and Fish Commission to declare such sound open for commercial shrimping between such dates; provided, that if the sound lies in more than one county, a majority of those voting in such election in each county must vote in favor of opening such sound before it shall be lawful to take shrimp therefrom by nets. If a majority of those voting in such election in any county in which such sound shall lie in whole or in part shall vote against the opening of such sound, it shall be the duty of the State Game and Fish Commission to keep such sound closed to shrimping with nets, other than cast nets, and to enforce the law.

Provided, however, that any county or counties voting to open the sounds within said county or counties under an Act approved February 12, 1952 (Ga. Laws 1952, page 77) shall not be required to hold an election to open said sounds under this section; that the county or counties opening said sounds under the Act approved February 12, 1952 (Ga. Laws 1952, p. 77), shall be subject to all provisions of this section except as herein provided.

(d) No election authorized in Paragraph (c) of this section shall be held in any county more frequently than once in every two years. The expense of all such elections shall be borne by the county wherein the election is held and it shall be duty of the governing authority of such county to pay the expense of such election from the general fund of said county. The ordinary of each county in which such an election is held shall immediately, upon the declaration of the result thereof, certify such result to the State Game and Fish Commission.

(e) Any net used in violation of this section, or in violation of Section A (4), Chapter IX, as hereinafter provided, shall be seized by any sheriff or other arresting officer (including wildlife rangers and other agents or representatives of the Game and Fish Commission) who shall report the same, within ten (10) days after said seizure, to the solicitor of the county, city or superior court having jurisdiction thereof in the county where the seizure was made, whose duty it shall be, within ten (10) days from receipt of such notice, to institute condemnation proceedings in said court by petition, a copy of which shall be served on the owner, if known, and if such owner is unknown, notice of such proceeding shall be published once a week for two weeks in the newspaper in which the sheriff's advertisements are published. This paragraph shall apply even as to nets which were owned by a person, firm or corporation other than the person illegally using same, in those cases where such owner either loaned such nets to the person illegally using same, or where the latter had legal custody or possession thereof by virtue of a contract of leasing, bailment, renting, conditional sales contract, bill of sale to secure debt, or contract of employment, and in such case, notice shall be given to such owner as hereinbefore provided, as the case may be. If no defense shall be filed within thirty days from the filing of such petition, judgment by default



shall be entered by the court at chambers, otherwise the case shall proceed as other civil cases in said court. Should it appear upon the trial of the case that said net was so used, the same shall be sold by order of court after such advertisement as the court may direct. The proceeds thereof shall be applied:

1. To the payment of the expenses in said case, including the expenses incurred in the seizure;

2. To the payment of the costs of the court which shall be the same as now allowed by law in cases of forfeiture or recognizance;

3. The remainder, if any, shall be paid into the county treasury to be held as a separate fund to be paid out under order of the court as insolvent costs in other cases arising from the violation of any of the provisions of this law; provided, that in any county in which any of the officers of either the county, city or superior courts are now on a salary, or hereafter placed on a salary, such remainder of the funds applicable to the payment of insolvent costs of such officer or officers shall be retained in the general funds of, and become the property of such county.

(f) This section shall not prevent the State Game and Fish Commission from making and promulgating rules and regulations in connection with the taking of shrimp from any of the sounds of this State in which such taking may be legalized. Provided, further, that the State Game and Fish Commission shall have the power, notwithstanding any other provisions in this section, to close any sound or other body of salt water when the count of shrimp taken from such sound or body of water exceeds fifty-five shrimp with heads on to the pound. Officers, agents, and representatives duly authorized by the State Game and Fish Commission shall determine by inspection when the count of shrimp taken from said water exceeds said number of

shrimp to the pound, and findings by said persons shall be conclusive that said count exceeds the number of shrimp to the pound as herein provided.

(g) It shall be unlawful at any time for any person, firm, or corporation to have in possession any shrimp which count of said shrimp exceeds fifty-five shrimp with heads on to the pound, except as to shrimp used for live bait.

(h) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 533; as amended, Ga. Laws 1956, pp. 590, 596; Code Ann., §§45-905, 45-906.)

#### **4. FISHING FOR BAIT IN SALT WATERS.**

(a) Any other provision of this Act to the contrary notwithstanding, any person may use a power drawn net at any time in any of the salt waters of this State, not to exceed ten feet (10') at the widest part of its mouth for the purpose of taking shrimp to be used as live bait, provided that such shrimp are not to be sold, but are to be used by the person catching same, his friends or relatives.

(b) No person shall engage in the taking of shrimp for live bait to be sold, unless such person first executes bond in the amount of \$1,000.00, payable to the Governor, in such form and with such sureties as the commission may require, and conditioned upon the faithful compliance by such person with all the laws and regulations relating to game and fish. Such bond shall be in addition to the Boat Licenses (where applicable) required by Section D(2) of Chapter 2 hereof, as amended, and the Commercial Fisherman's license required by Section D(5) of Chapter 2 hereof, as amended, and notation of execution of such bond shall be stamped or endorsed on the applicant's Commercial Fisherman's License. Such commercial fishermen qualifying under this

paragraph shall be authorized to use power drawn nets at any time in any of the salt waters of this state not larger than twenty feet (20') at the widest part of their mouth.

(c) Any person, firm or corporation violating any provisions of paragraph (b) above, or who sells or otherwise disposes for human consumption any shrimp caught for bait as provided in paragraph (b) above, or who possess same for the purpose of sale or other disposition for human consumption, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 600; Code Ann., §45.)

## **5. TAKING OF CRABS WITH POWER DRAWN NETS.**

(a) It shall be unlawful to take crabs with power drawn nets between January 1st and March 15th, inclusive, of each year in the outside salt waters and such sounds which have been opened to commercial shrimp trawling under provisions of law, or which are hereafter opened to commercial shrimp trawling under provisions of law, unless the webbing used in the construction of such power drawn nets so used shall be of a minimum mesh size of four inches when stretched.

(b) The presence of a net of a mesh size smaller than four inches, when stretched, on board any boat or vessel fishing for crabs, as provided in this section, shall be prima facie evidence of a violation of this section.

(c) Any person, firm, or corporation violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 601; Code Ann., §45.)

## **B.—Oysters**

**1. LEASE OF OYSTER BEDS; TERMS; FEE; NOTICE; FORFEITURE.** It shall be lawful for the Commission to lease to any citizen of this State, or to any firm or corporation chartered

under the laws of this State and having its principal shucking plant or canning factory in this State, portions of the oyster beds or bottoms, other than natural or privately owned beds or bottoms, for a period of not exceeding twenty years, with the privilege of renewal at such rate as may be prescribed by the Commission, but in no event shall any person, firm, corporation or combination of persons, lease or hold in excess of 1,000 acres, not to consist of more than two parcels, nor have the privilege of this section until such person, firm or corporation shall have demonstrated to the Commission willingness, ability and intention to comply with the laws, as well as the rules and regulations prescribed by the Commission for leasing and cultivating oyster beds. The owners of land having water fronts thereon suitable for planting oysters shall have prior rights over all other applicants for assignment and lease of oyster planting grounds adjacent thereto. All applications for lease of land under this law shall be made on blanks to be prescribed by the Commission and shall be sworn to by the applicant. Each application shall be accompanied by a deposit of \$10.00 as a guarantee of good faith, and to apply on cost of survey. Notice of such application shall be published once a week for four weeks in the official newspaper of the county or counties in which such lands lie four weeks prior to making such application. If no good cause shall be shown to the contrary, the Commission may have said ground surveyed and a plat made thereof, and grounds marked off, at the cost of the applicant, at the time the survey shall be made, and at the direction of the surveyor, with suitable stakes, smooth and free from snags and spurs and suitable stakes shall be kept by the lessee in their proper places during the continuance of such lease, so as to conform accurately to the survey. Should such stakes be removed, rot down, or be carried away, the lessee shall replace them at his own expense in their proper places, and if he shall fail to do so within thirty days after being notified by the inspector, wildlife ranger,



agent, or representative of the Commission, of the district within which the ground lies, the said lease shall be forfeited. (Ga. Laws 1955, pp. 483, 534; Code Ann., §45-907.)

## **2. RECORD OF SURVEY; FEE; ANNUAL RENTAL; DEPOSIT OF SHELLS OR OYSTERS.**

The survey and plat of any assignment, as soon as practicable after it is made, and after said grounds shall have been assigned to said applicant, shall be delivered to said applicant, who shall record the same in the office of the clerk of the superior court of the county or counties in which said ground lies, and a copy thereof shall also be filed in the office of the Commission. The surveyor surveying such tract so assigned shall make plats of such surveys for such office, and for the person to whom such assignment is made. Such plat shall be duly recorded in such office in a well bound and substantial book, and indexed in the name of the assignee. The clerk of the superior court shall receive for recording the same in his office the fee required for recording deeds and plats. The annual rental of land leased under this section shall be such amount per acre as the Commission may fix upon, but in no case less than 25 cents per annum, and shall be due on the first day of September of each year after the date of the assignment, payable on or before the first day of November following. If not paid on or before November first, a 25 per cent fine shall be added, and the inspector, wildlife ranger, agent, or representative of the Commission, of such district shall proceed to levy for rental and fines. The lessee shall be required to deposit, under the supervision of the inspector, wildlife ranger, agent or representative of the Commission, of his district within such time as may be designated by the Commission in his lease, shells or oysters to the amount of not less than 10 nor more than 1,000 bushels per acre for the entire area leased, the amount to be fixed by the Commission. The lessee shall be required to deposit, under the supervision and direction of the Commission, every year during the life of the lease,

a number of bushels of shells or oysters on each acre of the tract or parcel of ground leased by him, equal to 25 per centum of the number of bushels of oysters taken by him therefrom. The lessee shall be required to prove compliance with both of these provisions as to deposit of shells or oysters on the ground so leased by him, and in default of such proof thereof the lease shall be annulled. (Ga. Laws 1955, pp. 483, 535; Code Ann., §45-908.)

**3. PRIORITY GIVEN TO CERTAIN PERSONS IN LEASING.** Any person who shall have planted oysters in good faith on lands prior to August 8, 1924, shall have the first option or refusal to have said land leased to him by the Commission, who shall take the fact into consideration in fixing the lease fee to be charged. (Ga. Laws 1955, pp. 483, 536; Code Ann., §45-909.)

**4. USE OF OYSTER BEDS BY UNAUTHORIZED PERSON DECLARED ILLEGAL.** It shall be unlawful for any person to stake in or use, for the purpose of propagation of oysters or shellfish, any natural oyster bed, dock, shoal or bottom, or clamming or crabbing ground which has not been assigned to him according to law, nor shall any person who may have occupied and staked off such natural bed, rock, or shoal, or clamming or crabbing ground, or bottom, which has not been assigned to him according to law, continue to occupy the same, and any person violating this provision shall be guilty of a misdemeanor and punished as for a misdemeanor. Said person shall be notified by the Commission to remove all stakes, watch-houses, or other obstructions from such natural beds, rock, or shoal; and if after the notice such person shall refuse to remove such stakes or other obstructions, the same shall be removed by the said Commission, or inspector, wildlife ranger, agent or representative of the Commission. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 536; Code Ann., §§45-910, 45-911.)

**5. REASONABLE TIME ALLOWED TO REMOVE OYSTERS—WHEN.** When from any survey of oyster planting-grounds or survey made to re-establish the lines of the State survey of natural oyster beds, rocks, or shoals, which may be made under the direction of the Commission, it shall appear that any holder, without his own default and by mistake of any officer of the State, has had assigned to him and included in the plat of his assignment any portion of the natural oyster beds, rocks, or shoals, as defined by law, and it shall appear that any such holder has oysters or shells planted on the said ground, before the stakes shall be removed from said grounds, or the same opened to the public, the said holder shall be allowed a reasonable time, the length of which shall be determined by the Commission in their discretion, within which to remove his planted oysters or shells from the said ground, under the supervision of the Commission. (Ga. Laws 1955, pp. 483, 536; Code Ann. §45-912.)

**6. PROHIBITED ASSIGNMENT OF NATURAL OYSTER BEDS OR CLAM BEDS.** Any inspector, surveyor or other representative of the Commission, who shall knowingly assign to any person any ground within the public survey of the natural oyster beds, rocks or shoals, or clam beds that have been set aside by the Commission, shall be guilty of a misdemeanor and punished as provided by law. Any such assignment shall be void and such official agent or representative of the Commission shall be discharged from the employment of the Commission. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-913.)

**7. INTERFERENCE WITH BOUNDARY STAKES.** Any person who shall willfully injure, remove or displace any boundary oyster stake, range monuments, signal beacon; boundary stone or post or buoy, or any appurtenance or enclosure therein erected, constructed or set by the Commission or by their order on the land or waters of this State or upon the lawful beds of



any lessee for the purpose of designating, locating, surveying or mapping any shellfish grounds, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-914.)

**8. HOW OWNERS OF PRIVATE OYSTER BEDS MAY COME UNDER LAW.** Any person, firm or corporation owning private oyster beds in the waters of Georgia may come under the provisions of this law and have the same protection as is afforded the lessees of State-owned oyster grounds under the provisions of this law, by planting oysters upon such grounds and placing oysters or shells thereon in the manner prescribed for leased oyster lands under the provisions of this law. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-915.)

**9. PLAT OR SURVEY REQUIRED—CERTIFICATE FROM HEALTH DEPARTMENT.** The Commission in fixing the area which is or may be leased to any person by the Commission or by a private owner to any person, firm or corporation for the purpose of planting, growing, gathering, marketing, or selling of oysters, shellfish or crustaceans shall require that the applicant for any such lease furnish to the Department of Public Health charged with the responsibilities of maintaining the health of the citizens of this State, a plat or survey of the lands proposed to be leased, but no such lease contract shall be entered into or become effective until such Health Department shall issue its certificate, that the particular area in question is not contaminated in any way and that the waters on or adjacent to such area are not polluted or do not contain any matter which would make the taking of oysters, shellfish or crustaceans, in any way dangerous to the life of persons consuming oysters, crustaceans, or shellfish removed therefrom. Any oysters, shellfish or crustaceans removed from an area concerning which such certificate has not previously been issued, shall be subject to confiscation and immediate destruction by the Commission as menacing the public health. Such



certificate may be revoked upon subsequent findings by the Health Department. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-916.)

**10. MINIMUM SIZE OF OYSTERS TO BE TAKEN.** No oysters shall be taken from the public grounds of this State where the shells of such oysters measure less than three inches from hinge to mouth, except that oysters less than three inches from hinge to mouth may be removed if attached to an oyster of that minimum size and such oyster so attached cannot be removed without destroying such three-inch oyster. And it shall be unlawful for any person, firm or corporation engaged in shucking or canning oysters for market, to shuck, can, purchase, or have in possession any quantity of oysters containing more than five per cent of oysters of prohibitive size as herein defined. (Ga. Laws 1955, pp. 483, 538; Code Ann., §45-917.)

**11. ILLEGAL TO TAKE OYSTERS FROM PUBLIC BEDS EXCEPT DURING SEASON.** No person shall prick, tong, dredge, scoop, rake, drag or in any other manner take or catch oysters from any of the waters of this State except from private beds, other than during the yearly, daily and monthly periods as prescribed by the Commission, except for the purpose of replanting the same in the waters of this State. (Ga. Laws 1955, pp. 483, 538; Code Ann. §45-918.)

**12. PENALTY FOR TAKING OYSTERS WITH SCOOP, ETC.** Any person who shall take or catch any oysters in any of the waters of this state with or by a scoop, rake, drag or dredge, or by use of any other instrument than the oyster tong heretofore in general use for taking oysters, except within the waters more than 1,000 feet from the shoreline at ordinary mean low tide, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 539; Code Ann., §45-919.)

**13. OYSTERS TAKEN BY ANY MEANS FROM PRIVATE BEDS IN CERTAIN INSTANCES.** Oysters may be taken by any means

or device from any private bed by the owner or lessee for the purpose of transplanting to other beds in this state from unleased territory within said limits. (Ga. Laws 1955, pp. 483, 539; Code Ann., §45-920.)

**14. OYSTERS SOLD IN SHELL; HOW MEASURED; TUBS; BRANDS.** All oysters sold in the shell in Georgia shall be measured in circular tubs, with straight sides, straight and solid bottoms, with holes in the bottom not more than one-half inch in diameter. A bush tub shall measure 18 inches from the inside across the bottom, and 21 inches from the bottom to the top or chine. All measures used for buying or selling oysters shall have a brand, to be adopted by the Commission or the lawful inspectors or patrolmen. All measures found in the possession of person not meeting the requirements of this section shall be destroyed by the Commission. Any person or persons violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 539; Code Ann., §§45-921, 45-922.)

**15. PENALTY FOR TAKING OYSTERS FROM PUBLIC BEDS.** Any person who shall rough, take or catch oysters from any of the public beds within the waters of this State, unless the same shall be culled over the beds from which they may be taken, except when the water is such as to render it dangerous to remain at the beds, shall be guilty of a misdemeanor and punished as provided by law; provided, that the terms of this section shall not apply to taking of oysters for the purpose of replanting the same in any of the waters of this State. (Ga. Laws 1955, pp. 483, 540; Code Ann., §45-425.)

**16. INSPECTION OF OYSTER BEDS BY HEALTH DEPARTMENT; CONDEMNATION; ACCESS TO BEDS, ETC.** It shall be the duty of the Department of Health of Georgia, to inspect, or cause to be inspected, as often as said department may deem necessary, the various oyster beds and other places within the jurisdiction of

or forming a part of the State of Georgia from which oysters are taken to be distributed or sold for use as food, for the purpose of ascertaining the sanitary conditions of such oyster beds and the fitness of the oysters in such places or which are taken therefrom for use as food.

(a) If the State Department of Health discovers that any oyster bed, or other place from which oysters are or may be taken is subject to pollution or to any other condition which may render the oysters in such places, or which may be taken therefrom, dangerous to health, it shall be the duty of said department to immediately condemn such areas, beds, or other places; and to prohibit the taking of oysters from such places, and also to prohibit the sale, distribution, offering for sale, giving away or having in possession such oysters without a permit from such department to take, sell, distribute, give away, or offer to sell or have in possession.

(b) For the purpose of this section, the distribution, sale, offering for sale, giving away or having in possession with intent to distribute, sell or give away any oysters shall be prima facie evidence that such oysters were intended for use as food.

(c) The State Department of Health shall have the power to adopt, promulgate and enforce such rules and regulations as shall promote the purposes of this Act, and it shall also have power to make such specific orders regarding the growing and handling of oysters and the disposal of polluting matter which may affect the purity of oysters as it may deem necessary to enforce the provisions of the Act.

(d) The members and employees of the State Department of Health shall have free access at all times to all oyster beds, places of business and other places where oysters are grown, kept, stored, had in possession with intent to distribute, or sell, or give away, or sold, and also to all streams, tributaries thereof and lands ad-

adjacent thereto, the waters draining from which may come in contact with oysters and shall have the power to make such inspection of such places and to take such samples of oysters as they may deem necessary to carry out the purposes of this Section.

(e) No person shall obstruct or in anywise interfere with any inspector or employee of the State Department of Health in the performance of any duty under this Section. (Ga. Laws 1955, pp. 483, 540; Code Ann., §45-926.)

(f) Any person or persons convicted of a violation of the provisions of this Section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 541; Code Ann., §45-927.)

**17. DUTY OF CANNING PLANTS, ETC., TO DISTRIBUTE OYSTER SHELLS.** Every person, firm or corporation owning or operating a factory for the canning of oysters, or a raw oyster shucking plant in this State, shall each year distribute upon the areas designated by the Commission or its authority a quantity of oyster shells not exceeding  $33\frac{1}{3}$  per cent of the quantity required by such cannery or raw shucking plant during the preceding open season; which distribution or replanting shall be done under the direction or supervision of the Commission or its authority within a radius of twenty miles from the factory or shucking plant distributing the same and before the first day of June. Any failure or refusal to comply with this regulation shall subject the cannery or shucking plant to revocation of its license by the Commission. (Ga. Laws 1955, pp. 483, 542; Code Ann., §45-930.)

**18. SANITARY REQUIREMENTS APPLICABLE TO CANNING PLANTS, ETC.** All premises, sheds, utensils, measure, tools and implements used on premises of canneries or shucking plants must be kept in a sanitary condition, and to that end the State Department of Public Health charged with the responsibilities of maintaining the health of the citizens of the State, shall, from



time to time, prescribe such rules and regulations to this end as may be advisable, and any person, firm or corporation who shall violate such regulations on more than one occasion shall be subject to loss of license or to revocation of license by the Commission. (Ga. Laws 1955, pp. 433, 542; Code Ann., §45-931.)

**19. DEPARTMENT OF HEALTH TO PROMULGATE RULES, ETC.** The Department of Public Health shall promulgate such sanitary rules and regulations meeting minimum requirements of the United States Public Health Service and based upon recommendations made by the Committee on Sanitary Control of the Shellfish Industry for interstate shipments, and for the purpose of interstate shipment the Department of Public Health shall certify to all requirements of the United States Public Health Service as may be required under approval for interstate shipments. Such rules and regulations shall apply to oyster beds, or areas, and to shucking houses, equipment, and sanitary handling, preparation and shipping. (Reference—United States Public Health Service Minimum Requirements for Approval of Shellfish Control Measures and Certification for Shippers in Interstate Commerce.)

(a) Each and every person, firm or corporation handling or shipping oysters in the shell, shall, when shipping oysters in the shell, ship them in clean containers in either barrels, bags, crates or baskets. To each such barrell, bag, crate or basket there shall be attached a tag obtained from the Coastal Fisheries Office, which tag shall be furnished free of cost, which tag shall indicate the source, date of gathering, name and address of consignee, kind of shell stock in container, name of shipper and State Public Health Certificate number. (Ga. Laws 1955, pp. 483, 543; Code Ann., §45-932.)

(b) Each and every person, firm or corporation who shall fail to ship or handle oysters in shell stock in clean containers, in either barrels,

bags, crates or baskets, or shall fail to attach thereto the tag containing the information herein required shall be guilty of a misdemeanor and shall be punished as for a misdemeanor. (Ga. Laws 1955, pp. 483, 543; Code Ann., §45-933.)

**20. OYSTER TAX.** All distributors or dealers (including canners who are distributors or dealers) who sell oysters in this State (except those importing and selling the same in the original package which brought into the State) shall pay thereon an occupation tax as follows: One cent of each 60 ounces of canned oysters; two cents on each gallon of raw shucked oysters; five cents upon each bushel of oysters sold in the shell: Provided that nothing in this law shall be construed to place a tax upon or prohibit the sale of oysters for local consumption by peddlers or hucksters who sell direct to the consumer: Provided that no one person shall take or remove from the public beds more than 10 bushels of oysters in any one day for such purpose. Each package containing oysters canned in this State, or raw shucked oysters, or oysters in the shell, gathered in this State shall be stamped by the canner or dealer, or distributor, with quantity of oysters contained in each can, barrel or other package in which the same are offered for sale within the State or shipped therefrom. Each distributor or dealer, including the canners who are distributors or dealers, shall place stamps in the amount necessary upon each of said packages, to comply with the requirements of the payment of the occupation taxes hereinbefore set out. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 539; Code Ann., §§45-923, 45-924.)

**21.—RECORD OF SHRIMP, OYSTERS, CRABS AND FISH KEPT BY FACTORIES, PLANTS, ETC.**

All persons owning or operating canning factories, shucking plants, or otherwise dealing in or supplying shrimp, oysters, crabs or fish for commercial purposes, shall keep a record in

which shall be entered the amount thereof taken from Georgia waters, the name of each person from whom they shall purchase same, together with the date of purchase and quantity purchased; the name, number and approximate tonnage of the boat in which they were brought to the factory, the quantity canned and packed for shipment, and the date and amount of each shipment, as well as a record of all oysters, crabs and shrimp shipped raw and oysters sold in the shell, and make an itemized written report to the Commission not later than the fifth day of each month. They shall also keep on file a copy of the bill of lading for each shipment in said book and said file of bills of lading to be open at all times to the inspection of the Commission, or their agents, or employees, or the Comptroller General or his agents, and they shall, between the first and fifteenth days of May in each year, make a report to the Commission of the number of canned oysters on hand on the first day of May. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 542; Code Ann. §§45-928, 45-929.)

Cross References: See Chapter II, Section (4). p. 32, *infra*, relating to the record books required to be kept on boats used in commercial fishing.

# CHAPTER X

## BOATS

### A. GENERALLY

**1. RECKLESS OR INTOXICATED OPERATION.** Any person who shall operate a boat upon any public waterway of this State in a manner which disregards the safety of others or operates such boat while in an intoxicated condition, which intoxicated may be caused by the excessive use of intoxicating wines, beers, liquors or drugs, which is manifest by boisterousness or by an indecent condition or action or by vulgar, profane or unbecoming language or loud and violent discourse of the person so intoxicated, shall be guilty of a misdemeanor and punished as for a misdemeanor.

**2. ENFORCEMENT.** Wildlife rangers and other peace officers of this State shall have the power to arrest all persons who violate the provisions of this Act. (Ga. Laws 1953, Jan.-Feb. Sess., p. 555; Code Ann., §26-7325.)

### B. TRAFFIC—FRESH WATER REGULATIONS

**1.** Any boat, vessel or water-going craft of any size or description whatsoever operating upon the fresh waters of this state shall observe the following rules and regulations:

(a) No person shall operate any boat in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(b) When boats are approaching head-on or nearly so, it shall be the duty of each to turn to the right and pass on the port, or left side of the other.

(c) A boat overtaking any other boat shall keep out of the way of the overtaken boat, passing to the left of it if that side is in the clear.



(d) Power boats when moving under power shall keep clear of row boats with occupants approaching not nearer than fifty (50) feet.

(e) Persons navigating in narrow channels shall keep to the right of the middle of the channel.

(f) When a larger craft approaches or passes a smaller craft, the former shall reduce speed so that its wake will not endanger the smaller craft.

(g) Power boats operating at night shall be equipped with lights sufficient to throw light in the direction of travel for a distance of not less than one hundred (150) feet.

(h) Power boats operated for hire shall be equipped with one life preserving apparatus for each passenger carried. (Ga. Laws 1952, p. 281; Code Ann., § 26-7322.)

2. Any person violating any of the foregoing rules and regulations shall, upon conviction thereof, be punished as for a misdemeanor. (Ga. Laws 1952, pp. 281, 282; Code Ann., § 26-7323.)

**3. ENFORCEMENT—ARRESTS.** The peace officers of this state and of any county or municipality thereof shall enforce these rules and regulations and make arrests upon the fresh waters of this State or wherever otherwise necessary. (Ga. Laws 1952, pp. 281, 282; Code Ann., § 26-7324.)

# CHAPTER XI

## REGULATIONS

NOTE: The Comprehensive Game and Fish Act of 1955 (S.B. 60, Ga. Laws 1955, pp. 483, 544,) retained in force and effect, until amended or repealed by the Commission, all rules and regulations previously promulgated. See Section 1116 of the Act.

### A.—Rangers—

The following rules and regulations be and the same are hereby adopted and promulgated by a majority vote of the State Game and Fish Commission in regular meeting on this the 1st day of April, 1950.

1. That the Director is hereby authorized and directed acting for and on behalf of the State Game and Fish Commission to appoint in writing each Wild Life Ranger of the State Game and Fish Commission as a State Game Protector and is further directed to maintain a written record of each such appointment showing the date appointed and the date the Ranger and Protector may leave his employment. That after such appointment each Wild Life Ranger shall be known as Wild Life Rangers and State Game Protectors and invested with the full power and authority of State Game Protectors.

It is further ordered that this rule and regulation shall become effective as of April 1, 1950, and that.

2. Wildlife Rangers of the State of Georgia shall be bonded in the sum of \$1,000 after February 2, 1950. The fee for said bond shall be paid by the Commission.

## B.—Definition of Game Animals, Birds and Fish

The following animals are hereby proclaimed and declared to be game and/or fur bearing animals:

Deer	Mink
Rabbit	Otter
Bear	Beaver
Squirrel	Muskrat
Raccoon	Fox
Opossum	Bobcat
Alligators	Weasel
Sea Turtles and eggs	Skunk
	Nutria

The following birds are hereby proclaimed and declared to be game birds:

Turkey	Brant
Quail (Bobwhite)	Rails & Gallinules
Grouse (Ruffed)	Coots
Doves	Woodcock
Ducks	Wilson Snipe or
Geese	Jacksnipe

The following birds are hereby proclaimed and declared as non-game birds and are not protected:

Hawks	Black birds
Owls	Starlings
Buzzards	Golden Eagle
Crows	Jays
English Sparrows	

All other birds not herein named are protected and there shall be no open season for the taking or killing of same.

The following fresh water fish are hereby declared and proclaimed to be game fish, within the meaning of the laws and regulations pertaining to game and fish, to wit:

Bass	Trout
Bream	Eastern Pickerel or
Perch	Jack
Crappie	Wall-eyed Pike
	Muskelunge

## C.—Hunting and Trapping Regulations—Seasons and Bag Limits for 1956-57

The effective date of these rules and regulations is to be August 1, 1956, or thirty (30) days after the posting of same, as required by the aforesaid law, whichever is the first effective date and continuing in force until changed by law or proclamation.

All opening dates begin with sunrise on the opening date and all closing dates end with sundown on the closing date.

The opening date on BOBWHITE QUAIL is to be November 20, 1956, and the closing date February 25, 1957, bag limit, 12 daily and 30 weekly.

**WILD TURKEY.** Opening date November 20, 1956, closing date February 25, 1957, in the following counties: Chattahoochee, Marion, Muscogee, except the Thomas Seawell Refuge, which is closed, Schley, Macon, Peach, Houston, Twiggs, Wilkinson, Washington, Jefferson, Burke, Emanuel, Johnson, Treutlen, Laurens, Bleckley, Dodge, Pulaski, Wilcox, Dooly, Crisp, Sumter, Lee, Webster, Terrell, Stewart, Randolph, Quitman, Clay, Early, Calhoun, Baker, Dougherty, Mitchell, Worth, Turner, Tift, Ben Hill, Telfair, Irwin, Berrien, Cook, Brooks, Colquitt, Thomas, Grady, Decatur, Miller, Seminole, Screven, Jenkins, Candler, Bullock, Effingham, Chatham, Bryan, Evans, Tattnall, Toombs, Wheeler, Montgomery, Jeff Davis, Appling, Liberty, Long, Coffee, Bacon, Wayne, McIntosh, Glynn, Pierce, Atkinson, Lanier, Lowndes, Clinch, Echols, Ware, Brantley, Camden, and Charlton. The remainder of the State is to be closed entirely. Bag limit two (2) for season.

**RABBITS.** Opening date November 20, 1956, closing date February 25, 1957. Rabbits cannot be sold. Persons under 16 years of age may trap rabbits. Bag limit 5.



The opening date on OPOSSUM is to be November 1, 1956, closing date February 25, 1957. No bag limit.

The opening date on RACCOON is to be November 20, 1956, closing date February 25, 1957. No bag limit.

The opening season on RUFFED GROUSE is to be November 20, 1956, closing date January 10, 1957. Bag limit three (3) daily, three (3) weekly.

The season for hunting ALLIGATORS shall be from June 1, 1956 through January 31, 1957. Alligators less than 5 feet in length may not be taken. Alligators can be hunted only during daylight hours. No bag limit. Special license required.

There is no open season on SEA TURTLES and eggs.

**SQUIRREL.** Opening date October 1, 1956, closing date January 10, 1957 in Carroll, Douglas, Fulton, DeKalb, Rockdale, Walton, Oconee, Oglethorpe, Wilkes, and Lincoln Counties, and all counties north of the above listed counties. Firearms limited to shotguns with No. 4 shot or smaller and .22 Rim Fire Rifles in the above counties. Opening date in all other counties in this State is November 1, 1956, closing date January 10, 1957. Bag limit ten (daily) ten (10) weekly in any and all counties in the State.

The opening date on BEAR in all counties in the State except Catoosa, Dade, Dawson, Fanning, Floyd, Gilmer, Gordon, Habersham, Lumpkin, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White, Whitfield, and Chattooga, which counties have no open season on Bear, is to be November 1, 1956, closing date January 10, 1957.

**DEER** (Buck only with visible antlers). The killing of doe in this State is illegal at any time. It shall be illegal and a violation of this regulation for any person to knowingly possess the

meat of any female deer, after same has been killed by any person, without a special permit for such possession from the State Game and Fish Commission of Georgia. It shall be illegal for any person or persons to knowingly conceal the killing of any female deer by any person or persons by accident or otherwise. Guns for hunting deer are limited to shotguns loaded with slugs or No. 1 buckshot or larger or to rifles using center fire cartridge .25 caliber or above with the following exceptions: .25-20; .32-20; or .30 Army Carbine.

Buck only with visible antlers. Opening date November 5, 1956, closing date November 20, 1956. Bag limit one (1) in the following counties: Gilmer, Murray, Fannin, Pickens, Dawson, Lumpkin, Union, Towns, White, Rabun, Habersham, Walker, Chattooga, Dade, Stephens, Jasper, Jones, Putnam, and Butts. The hunting of deer with dogs in these counties is prohibited. It shall be illegal for any person to run, chase, or pursue deer with dogs for the purpose of taking the same in any or either of the above North Georgia mountain counties.

Bucks only with visible antlers. Opening date November 1, 1956, closing date January 10, 1957. Bag limit two (2) in the following counties: Burke, Emanuel, Washington, Twiggs, Wilkinson, Jefferson, Jenkins, Effingham, Chatham, Bryan, Evans, Tattnall, Toombs, Wheeler, Montgomery, Jeff Davis, Glascock, Bulloch, Appling, Liberty, Long, Coffee, Bacon,, Wayne, McIntosh, Glynn, Pierce, Atkinson, Lanier, Lowndes, Clinch, Echols, Ware, Brantley, Camden, Charlton, Screven, Seminole, Decatur, Miller, Early, Baker, Mitchell, Grady, Thomas, Brooks, Colquitt, Cook, Berrien, Tift, Worth, Dougherty, Calhoun, Clay, Quitman, Randolph, Terrell, Lee, Turner, Irwin, Ben Hill, Telfair, Wilcox, Crisp, Stewart, Webster, Sumter, Dooly, Pulaski, Dodge, Bleckley, Chattahoochee, Marion, and Muscogee, which will include the Fort Benning Area, except the Thomas Seawell Refuge, which will not be open to hunting.

Candler County will be open to the hunting of DEER on the following days: December 4, 11, 18, 25, January 1, 8. Hunting hours shall be from sunrise to sunset, bag limit, 1.

The season for hunting deer in Paulding, Polk, Haralson Counties shall be November 8, 9, and 10, 1956. Bag limit (1) buck deer with visible antlers. The use of dogs in these counties is prohibited.

All other counties in the state are closed to deer hunting.

When hunting rabbits, squirrels, opossum, raccoon, it shall be unlawful to use or have in possession for the purpose of so hunting shotgun shells, if using a shotgun, larger than size Number 4 shot, or if hunting with a rifle, shells larger than .22 caliber.

Regulations on MIGRATORY GAME such as DOVE, DUCKS, GEESE, BRANT, RAIL, and COOT are the same as the Federal Regulations, which will be published as soon as established.

Shotguns must be plugged to limit them to a capacity of three (3) shells on both NATIVE game and birds and animals and MIGRATORY birds.

The opening date of the trapping season on FOX, OPOSSUM, MINK, MUSKRAT, RACCOON, SKUNK, BEAVER, and OTTER is to be November 20, 1956, and closing date February 25, 1957. No bag limit. All counties north of and including Carroll, Fulton, DeKalb, Walton, Oconee, Oglethorpe, Wilkes, and Lincoln are closed to the trapping of otter and beaver. Trappers must report number of hides shipped to the State Game and Fish Commission.

It is unlawful to hunt in this State while under the influence of any intoxicating beverages.

These regulations do not apply to the Game Management Area in the Chattahoochee National Forest and Piedmont Game Refuge. Separate

rules and regulations are promulgated governing the taking of game on these areas and will be published when established. (February 10, 1956.)

#### **D.—What Wildlife May Be Taken At Night**

Pursuant to and by authority of Section 67 of the comprehensive Act of 1955, the following wildlife may be hunted and taken at night by any method otherwise provided by law for so hunting and taking, provided such person hunting or taking has permission of the land owner on whose land he is hunting, to wit: Opossums, raccoons, fox, skunk, frogs and fish. (July 6, 1955.)

#### **E.—Wildlife Storage Permits**

Any person other than those otherwise designated by the comprehensive Act of 1955, desiring to store any wildlife, with the exception of fish, shall apply to the Commission for a permit so to do within five days after the season closes for the taking of each specific kind of wildlife and shall not have in his possession or on storage at any time more than double the weekly allowance for taking and possessing of wild quail and rabbit, and shall at no time have in his possession or on storage more than two turkeys or three deer. (July 6, 1955.)

#### **F.—Fishing Regulations For 1956-57**

Effective April 1, 1956, or 30 days after the posting of same, whichever is the first effective date, and continuing in force until changed by law or proclamation, all of the fresh water streams, lakes, and ponds of Georgia will be open to legal fishing throughout the year with the following exception.

Exception. The trout streams of the following mountain counties; Dawson, Fannin, Gilmer, Habersham, Lumpkin, Murray, Pickens, Towns, Union, White, and Rabun; are open to fishing from April 1st through October 15th, except the main channel of the Chattooga River in Rabun



County, which is open the year round. This regulation shall apply from the head to the mouth of said streams, and the mouth of those streams which flow into a lake shall be considered at the point where the stream reaches the body of the lake regardless of its level.

There is no closed season on taking shad fish with rod and reel, fly rod, or pole and line. The daily limit shall be 8 fish per person. Shad fish taken by the above methods cannot be sold. This covers all species of shad fish including what is commonly known as white shad and hickory shad.

The restrictions and limitations upon the taking of fish in this State shall be as follows:

Rock fish or striped bass .....	10 in one day
Large-mouth black bass .....	10 in one day
Small-mouth black bass .....	10 in one day
Rock bass .....	10 in one day
White bass .....	10 in one day
Kentucky or Red-eye bass .....	10 in one day
Bream .....	50 in one day
Perch .....	35 in one day
Crappie .....	25 in one day
Eastern Pickerel or Jack .....	15 in one day
Wall-eyed Pike .....	3 in one day
Muskelunge .....	2 in one day
Brook Trout .....	10 in one day
Rainbow trout .....	10 in one day
Brown trout .....	10 in one day
Red Breast Perch .....	25 in one day
Shad .....	8 in one day

Provided, however, that it shall be unlawful for any person to possess at any one time more than 50 fish in the aggregate of all species named; and provided that no more than 10 Bass of any and all species in the aggregate can be taken in any one day; provided that no more than 10 Trout of any or all species in the aggregate can be taken in one day. (February 10, 1956.)

#### **G.—Use of Seines Prohibited, When**

No seine shall be used for the taking of fish

except as otherwise provided by law for commercial fishing, fishing for shad and shrimp in any of the waters of the State of Georgia, except that minnows for live bait may be taken by a seine from streams of Georgia, except in wildlife management areas, and those waters closed by proclamation of the Commission, but shall in no instance use a seine longer than ten (10) feet in length and said seine shall not have a mesh larger than three-eighths of an inch square or in diameter. Any game fish or fish other than minnows taken in such net shall be at once returned to the waters and released, and it is hereby declared unlawful to retain any game fish so taken. It is hereby made unlawful to take fish in any manner other than by hook and line except as otherwise herein provided or provided by other regulations or laws.

NOTE: The above section, as originally promulgated by the Commission, specified seines "no longer than six feet" and of a mesh no "larger than one-fourth of an inch square." The Act of 1956 (HB 286, Ga. Laws 1956, pp. 231, 233) has obviously changed this, and the above section was accordingly rewritten to comply therewith. See Section 2, p. 64 herein.

## **H.—Disposition Of Confiscated Wildlife**

All wildlife, including fish, seized by any Ranger or other officer of the Commission shall be donated to some charitable organization and the Ranger or other officer so seizing such wildlife or fish and who by authority of this regulation and the above referred to law shall secure receipts therefor in triplicate and immediately thereafter make a report in triplicate to the Commission, which report shall include the kind of game or fish, date of the donation, the amount or number thereof, and the location of the seizure and from whom made. For the purposes of this regulation the term "wildlife" shall include, in addition to game and fish, all sea food. (July 6, 1955.)

## **I.—Shad Fish Regulation For 1956-57**

The season for taking shad fish in the St. Mary's River shall be from December 15, to April 15, of each year, and nets shall be not less than 3½ inches mesh size when stretched. Nets shall be set so as to allow 1/3 of the stream width free for passage of fish. Nets shall not be set within 150 feet of a net previously set. These regulations shall apply to the St. Mary's River and in all other streams, except that the season in all other streams shall be from January 1st to April 15th of each year, instead of December 15 to April 15. (July 6, 1955.)

## **J.—Rough Fish—Basket Regulations**

(See Chapter VII, Section B)

**Section 1.** No person shall use any basket for the taking of rough fish in any of the waters of this State without first having obtained a permit for each basket so used from the State Game and Fish Commission. Such permit shall be obtained by making application to the Commission on blank forms to be provided by the Commission and upon payment of a permit fee of \$1.00 for each basket. A separate permit shall be issued and a separate application shall be made for each basket to be so used. Each permit shall be valid for the period of the year from April 1st through March 31st in which such permit is issued. Permits shall not be transferable.

**Section 2.** Every basket used for the taking of rough fish shall distinctively show the name and address of the person using said basket by an official metal tag issued by the State Game and Fish Commission and attached to the top of the first funnel of the basket. Such tags shall be obtained at the time of obtaining a permit by the payment to the State Game and Fish Commission of the sum of \$0.10 which shall be the actual cost of the tag. Each such tag shall be marked to indicate the permit year for which the same is

issued and will expire with the permit. No duplicate tags will be issued and the same shall not be transferable.

**Section 3.** Permits shall be on the person at all times during the inspection of baskets and shall be exhibited on demand to any wildlife officer or other peace officer.

**Section 4.** No permit shall be issued pursuant to these regulations to any applicant unless such applicant is the holder of a valid fishing license issued by the State Game and Fish Commission as provided by law. The provisions of this section shall apply to residents as well as non-residents and to holders of resident fishing licenses as well as to holders of non-resident fishing licenses.

**Section 5.** Application for permit shall contain the applicant's name and address, physical description, name of the stream or lake where the basket shall be operated, name of county in which basket will be operated, the name of the nearest town or city to such point, the name of the landing from which the applicant will depart and return when operating the basket, and such other information as may be required by the official application form.

**Section 6.** Every person holding a permit pursuant to these regulations shall notify the wildlife ranger in the area where each basket is located, of the location and use of each basket while the same is in use, and the days or times when each basket will be fished.

**Section 7.** All baskets operated pursuant to these regulations shall be inspected or "run" according to temperature of the water in order to prevent fish from dying in the baskets from lack of attention. From October through the month of April, such baskets will be fished or "run" at least once each seventy-two hours. From



May through the month of September, all such baskets shall be fished or "run" at least once each forty-eight hours.

**Section 8.** Rough fish are those fish that 98% of the sportsmen don't try to catch, such as the various suckers, carp, catfishes, gizzard shad, hickory shad, the "mud" "black" or grinnel fish, gar and eels.

Game and sport fish must be released immediately into the water from whence they came. these fish are: rock or striped bass, bream, perch, crappie, pickerels or jacks, muskelunges, brook trout, brown trout, rainbow trout, and white shad.

**Section 9.** Should any species of fish designated by regulations or laws of this State as game or sport fish be taken by the use of any baskets or basket permitted by these regulations, such fish shall be immediately returned to the waters from whence they were taken.

**Section 10.** Upon conviction of any person for the violation of any of the provisions of these regulations or of the Act or Acts of the General Assembly pursuant to which these regulations are adopted, all permits held by such person to fish by the use of baskets in this State shall be forfeited and such person shall be ineligible to procure a new permit until after the expiration of a period of six months from the date of such conviction.

**Section 11.** The Commission or any of its authorized agents or employees may, for cause, revoke, suspend or cancel any permit issued pursuant to these regulations or refuse any initial application for a permit or any renewal of same. Upon such refusal, revocation, cancellation or suspension, the applicant or permittee may demand and obtain a hearing before any agent of the Game and Fish Commission authorized to hold the same. Such hearing shall be held in the county of such applicant or permittee's residence and the evidence taken at such hearings

shall be recorded and be referred to the State Game and Fish Commission with or without the recommendation of the hearing agent, for decision and the said Commission shall decide whether the permit was properly refused, suspended or cancelled.

**Section 12.** Records of rough fish captured by the use of baskets pursuant to these regulations will be made available by the operator of same within five days after each calendar month of basket fishing for collection by any employee of the Game and Fish Commission. These records shall include total pounds of fish captured and the use made thereof.

**Section 13.** No basket shall be employed and no permit shall be issued for the use of any basket within this State failing to meet the following specifications:

- (a) The over-all length shall not exceed five feet.
- (b) The circumference shall be from 68 inches to 72 inches.
- (c) The shape shall be semi-circular with a flat bottom.
- (d) The basket shall have two funnels. The first shall be located in the middle of the basket and shall have an opening approximately 18 to 20 inches in circumference at the smallest part. The second funnel shall be located near the mid-section and have a trap door where fish may enter but not return.
- (e) Such baskets shall be constructed of wire having not less than one-inch mesh. (January 12, 1954.)

## **K.—Seafood**

**1. POMPANO—OUTSIDE SALT WATERS.** Regulation governing the taking of pompano fish from the outside salt waters of this State:

No seine or gill net may be used less than 2½" from knot to knot or 1¼" bars measured from knot to knot after being tarred and shrunk in catching or taking pompano fish from the outside waters of this state.

No person may take from the outside waters of this state or have in his possession any pompano fish of less than 9" in length measured from the tip of his nose to the fork of his tail.

Outside salt waters are defined as those waters from the outermost part of the coast line to the limit of the three-mile jurisdiction, and embrace that part of the Atlantic Ocean under the jurisdiction of this state. Inland salt waters not included in outside salt waters include all sounds, estuaries, saltwater rivers and creeks.

**2. SEASON FOR TAKING OYSTERS.** Any person who shall prick, tong, dredge, or in any other manner take or catch oysters from any of the waters of this State, except from private beds, from the first day of May to the 31st day of August, except for the purpose of replanting the same in the waters of this State, and any person who shall take oysters for any purpose during any season from one hour after sunset on Saturday until one hour before sunrise on the following Monday, shall be guilty of a misdemeanor. Permit must be secured from State Game and Fish Commission before taking oysters for propagation purposes. (July 6, 1955.)

#### **L.—Regulations Governing Butler and Champney Islands**

Butler and Champney Islands shall be closed to all hunting and trapping. All trespassing, except by written permission from the Director of his agent, shall be prohibited on the above named islands except on specified areas as indicated by signs (i.e. highway and public boat landing).

The possession of fire arms on Butler and Champney Islands, except on the public highway

or the public docks thereof shall be illegal and punished as a misdemeanor.

Any wildlife ranger or other personnel of the State Game and Fish Commission shall have the power to arrest all persons who violate this regulation. (April 20, 1955.)

### **M.—Regulations Governing Fresh Water Commercial Fishing**

Pursuant to the comprehensive Act of the General Assembly governing game and fish, approved March 7, 1955 (Ga. Laws 1955, p. 483), more specifically, Section 91 thereof (p. 527 et seq.; Code Ann. Supp. Chap. 45-8) as amended (Ga. Laws 1956, pp. 590, 591), the following regulations are hereby promulgated and adopted, and will apply to any public impounded water or navigable stream hereafter opened to commercial fresh water fishing by proclamation or regulation of the Commission, unless such proclamation or regulation specifically provides otherwise, in whole or in part:

The taking of non-game fish (such as carp, suckers, catfish) other than those species designated as game fish for the purpose of sale, is permitted in accordance with the following provisions:

1. Any and all varieties of fish not classified as game fish may be taken and sold commercially. Game fish shall be known as the various species of bass, various species of bream, yellow perch, crappie, pickerels, wall-eyes, muskellunges, various species of trout, and the white shad. All species of "game fish" which are taken by use of commercial fishing gear shall be immediately returned to the waters from which taken, and possession of such fish by commercial fishermen shall be unlawful, and such possession by such commercial fishermen shall be prima facie evidence that such fish were taken by commercial fishing gear.



2. A license is required of each individual engaged in the activities covered hereby, and shall be effective from April 1st to March 31st next following.

3. Said licenses shall be issued only by the Game and Fish Commission, and the fee therefor shall be ten dollars (\$10.00) for residents and twenty dollars (\$20.00) for non-residents and aliens.

4. Should any law enforcement officer of this State or employee of the Game and Fish Commission discover commercial fishing gear being used in violation of the terms of this section, he shall seize and hold the same, and in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Game and Fish Commission and shall be disposed of as ordered by the Director of the Game and Fish Commission.

5. It shall be unlawful to knowingly ship or transport, or to knowingly receive for shipment or transportation, any fish taken from the public impounded waters or navigable streams of this State in violation of the terms of this section, and should such fish be knowingly shipped or transported or knowingly received for shipment or transportation, the same shall be seized and confiscated and upon confiscation shall be disposed of as ordered by the Director of the Game and Fish Commission.

6. The Game and Fish Commission has the power to zone certain areas for the sport fishermen. These areas shall not be commercially fished in order to prevent poor relationship between sport fishermen and commercial fishermen.

7. All other laws governing commercial fishing shall remain in full force and effect.

8. All rough fish such as gar, grinnel, and

suckers captured shall not be returned to the waters, but shall be taken to a place designated by the Game and Fish Commission and disposed in such manner as to prevent a health hazard or from being obnoxious. Any commercial fisherman disposing of rough fish that cannot be sold in violation of the terms of this section shall have his license suspended.

9. A Wildlife Ranger of the Game and Fish Commission will observe the operation of the commercial fishermen at all times within the area.

10. Each type of fishing gear shall have a metal tag attached with words stamped or embossed on it as follows: Georgia Game-Fish 4-1-55. A charge of ten cents will be charged for each tag. All types of fishing gear that does not have the metal tag with Georgia Game-Fish and date on them, shall be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

11. The following descriptions, definitions, and manners of fishing shall apply to commercial fishing gear.

(a) Gill Nets: A single net or webbing of mesh of not less than four (4) inches on the square and attached to float and lead lines and fished so as to ensnare or entangle the fish in the meshes. Gill nets must be fished in a stationary manner.

(b) Hoop Nets: Also known as set net, trap net, barrel net, funnel or brush net. A barrel shaped net of linen, cotton, or nylon cord with meshes of not less than two (2) inches on the square after tarred or shrunk and supported by wooden or metal hoops. A throat or throats are located within the hoop structure.

(c) Fyke Net: Also known as wing net. A variation of the hoop net having as many as three wings or leads equipped with floats and lead lines, The webbing of the wings shall be con-

structed of twine net smaller than size No. seven (7) in nylon, or size nine (9) in cotton. Construction of the wings of the fyke net out of gill netting or wire of any description is prohibited. The net and wings must have meshes not less than two (2) inches on the square, after being tarred or shrunk.

(d) Trammel Net is defined to be a net having three (3) webs hung to a single top and bottom line. There are two (2) outside webs or walls (this netting is called walling) and an inside web. The two (2) outside walls shall have meshes of not more than ten (10) inches on the square. The inside web shall have meshes or a minimum of two (2) inches on the square. The maximum length of a trammel net shall not exceed 300 yards in length. Any trammel net found to be set or used contrary to these regulations will be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

The commercial fishing license mentioned in this regulation shall not be transferable.

The State Game and Fish Commission reserves the right to suspend the operation without being subject to refund the money paid for licenses. (May 8, 1956.)

#### **N.—Agreement Between Game and Fish Commission and Jekyll Island State Park Authority—Regulations Governing Jekyll Island Agreement**

It is hereby mutually agreed between the parties hereto that the Authority, for and in consideration of the benefits from one to the other as hereinafter set out, does hereby agree for a period of ten (10) years, beginning the 1st day of September, 1954, and ending on the 31st day of August, 1964, with an option to renew on expiration of this agreement for a period of ten (10) more years by giving the Authority notice that such renewal is desired at least ninety (90) days before the expiration of this agreement,

all of the rights and privileges hereafter enumerated.

I. In the undeveloped areas of Jekyll Island, to be defined and redefined by the Authority from time to time, the Commission is given hereby the following privileges:

a. To manage and direct said areas as a wild life refuge, provided, however, that no hunting privileges shall be made to the public. This management shall be directed at the discretion of the Director of the State Game and Fish Commission and entirely under his control.

b. Maintenance of existing forest openings.

c. Establishment and maintenance of desirable herbaceous vegetation in open areas by seeding, fertilizing, disking and mowing. Most of the acreage to be devoted to grasses, legumes and small grains.

d. Establishment of small observational plantings of bi-color lespedeza.

e. Restocking with deer and turkey, if needed.

f. Removal of surplus game for restocking of other management areas.

g. Protection from poaching and illegal trespassing under such rules and regulations as the Commission may deem desirable or necessary.

h. Predator control when necessary or deemed desirable by the Commission.

II. In the undeveloped areas of Jekyll Island, to be defined and redefined by the Authority from time to time, the Commission is given hereby the following additional privileges subject to the prior approval of the Authority:

a. The right to drill wells.

b. Controlling of water levels, including salinity, for the most desirable waterfowl food plant



production. Embrace aquatic, semi-aquatic and agricultural types. Most of the waterfowl area shall be managed in permanent pond types.

c. The clearing of additional forest openings where needed.

d. Construction of fire lanes where needed. These fire lanes to be treated as other forest openings.

e. Controlled burning where applicable.

f. Posting of boundaries where deemed proper by the Commission.

g. Maintenance of roads necessary for wild life purposes.

**III.** If the Authority redefines any undeveloped areas for future development and the same causes the loss of use of any improvements made by the Commission, for the Commission's use, then, the Authority shall be liable to the Commission for reimbursement of the fair depreciation replacement cost for the replacement of such improvements.

**IV.** In addition to the privileges enumerated in paragraphs 1 and 2 hereof, the Commission is further given the power to make such regulations as it may desire or deem necessary for the best interests of the propagation or protection of all wildlife and fish in the areas defined and redefined by the Authority.

**V.** The Authority agrees to furnish one cottage, in a liveable condition, of its own choice, to the regular employees of the Commission engaged in Work upon Jekyll Island, to be maintained in a reasonable state of repair by the Authority.

**VI. Regulations.** It shall be illegal and a violation of this agreement and regulations to hunt, trap, or possess any wildlife on Jekyll Island, and any person or persons knowingly carrying

or concealing any fire arms shall be guilty of a misdemeanor and punished as provided by law.

Any wildlife Ranger and other peace officers of this State shall have the power to arrest all persons who violate this agreement and regulations.

(April 19, 1955)









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## Conservation Pledge

I GIVE MY PLEDGE  
AS AN AMERICAN TO  
SAVE AND FAITH-  
FULLY TO DEFEND  
FROM WASTE THE  
NATURAL RE-  
SOURCES OF MY  
COUNTRY — ITS  
SOIL AND MINER-  
ALS, ITS FORESTS,  
WATERS, AND  
WILDLIFE.

*John D. Rockefeller*